



**F. McArdle**  
**Chief Executive**

Civic Offices, Civic Way,  
Swadlincote, Derbyshire DE11 0AH

**[www.south-derbys.gov.uk](http://www.south-derbys.gov.uk)**

**Please ask for: Democratic Services**  
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DX 23912 Swadlincote  
Email :  
[democraticservices@south-derbys.gov.uk](mailto:democraticservices@south-derbys.gov.uk)

Date: 28<sup>th</sup> September 2016

Dear Councillor,

**Licensing and Appeals Sub-Committee**

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

The **Licensing and Appeals Sub-Committee** will meet on **Thursday, 06 October 2016**, in the **Council Chamber** at the Civic Offices, Civic Way, Swadlincote. The meeting will commence at **10:00**.

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

Yours faithfully,

F.B. McArdle  
Chief Executive

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

**Labour Group**  
Councillor Richards



## **AGENDA**

### **Open to Public and Press**

- 1** Apologies.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – KINARA RESTAURANT **3 - 32**
- 4** HEARING FOR AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 - AMALFI WHITE **33 - 132**
- 5** HEARING FOR AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – BROBOT PETROLEUM **133 - 178**

### **Exclusion of the Public and Press:**

- 6** 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: 6<sup>th</sup> October 2016**

Contact Officer: Mark Lomas – 01283 595890

### **DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

<b>Applicant's Name</b>	Vidyut Patel
<b>Premises Name</b>	Kinara Restaurant
<b>Address</b>	2 Castle Way Willington Derbyshire DE65 6BT

#### **1. PURPOSE**

- 1.1 To determine an application for the grant of a premises licence received by the Licensing Authority on the 16<sup>th</sup> August 2016. A copy of the application is attached at **Appendix 1**.

#### **2. BACKGROUND**

- 2.1 The applicant is seeking a new premises licence to permit the sale by retail of alcohol for consumption on the premises, regulated entertainment and late night refreshment.

#### **3. APPLICATION DETAILS**

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

<b>Activity</b>	<b>Days</b>	<b>Times</b>
Sale by retail of alcohol on the premises	Sunday to Thursday Friday and Saturday Christmas Eve & New Year's Eve	17:00 – 23:00 17:00 – 23:30 17:00 – 00:30
Recorded music (indoors)	Sunday to Thursday Friday and Saturday Christmas Eve & New Year's Eve	17:00 – 23:00 17:00 – 23:30 17:00 – 00:30
Late night refreshment (indoors)	Friday and Saturday Christmas Eve & New Year's Eve	23:00 – 23:30 23:00 – 00:30

Opening hours to the public	Sunday to Thursday Friday and Saturday Christmas Eve & New Year's Eve	17:00 – 23:00 17:00 – 23:30 17:00 – 00:30
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- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

#### **4. CONSULTATION RESPONSES**

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

#### **5. AGREEMENT BETWEEN PARTIES**

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

#### **6. DETERMINATION**

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

#### **7. RIGHT OF APPEAL**

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

#### **APPENDICES**

1. Application for a premises licence to be granted under the Licensing Act 2003
2. Representation from Derbyshire Constabulary
3. Agreed conditions to be added to the Operating Schedule
4. Withdrawal of representations from Derbyshire Constabulary

[Insert name and address of relevant licensing authority and its reference number (optional).]

**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 VIDYUT PATEL  
(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**

Postal address of premises or, if none, Ordnance Survey map reference or description			
2. CASTLEWAY, WILLINGTON. DERBYSHIRE			
Post town	WILLINGTON	Postcode	DE65 6BT
Telephone number at premises (if any)		01283-704444.	
Non-domestic rateable value of premises		£ 1725	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |   |
|---|---|
| a) an individual or individuals *               | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                            | <input type="checkbox"/> 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 checked="" type="checkbox"/>		Mrs <input type="checkbox"/>		Miss <input type="checkbox"/>		Ms <input type="checkbox"/>		Other Title (for example, Rev) <input type="checkbox"/>	
Surname <b>PATEL</b>				First names <b>VIDYUT</b>					
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes					
Current postal address if different from premises address				<b>135. MANOR ROAD LITTLEOVER</b>					
Post town		<b>DERBY</b>			Postcode		<b>DE23 6BU</b>		
Daytime contact telephone number				<b>07986 492682</b>					
E-mail address (optional)		<b>Vidpatels84@gmail.com</b>							

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(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.)
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY  
16 09 2016

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

DD MM YYYY

Please give a general description of the premises (please read guidance note 1)

DETACHED PROPERTY. GROUND FLOOR PREMISES. SELF-CONTAINED.  
PURPOSE BUILT FOR USE OF INDIAN RESTAURANT. TO  
SERVE ALCOHOL UNREST DINING ON PREMISES. 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.

N/A. Max. 100.

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 any that apply

- 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"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon			<b>Please give further details here</b> (please read guidance note 3)	
Tue				
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					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

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			
Fri			<b><u>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</u></b> (please read guidance note 5)
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"/>
					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 boxing or wrestling entertainment</b> (please read guidance note 4)			
Thur						
Fri			<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)			
Sat						
Sun						

E

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

F

<b>Recorded music</b> <b>Standard days and timings</b> (please read guidance note 6)			<b>Will the playing of recorded music take place</b> <b>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)		
Mon	17.00	23.00	USE OF ALCOHOL WHILST DINING ON PREMISES.		
Tue	17.00	23.00			
Wed	17.00	23.00			
Thur	17.00	23.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Fri	17.00	23.30	NONE		
Sat	17.00	23.30			
Sun	17.00	23.00			
			<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)		
			Xmas EVE & New year's EVE		
			17.00 – 00.30		

G

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

# H

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



I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	5 pm	11 pm	USE OF ALCOHOL WHILST DINING, ON PREMISES:		
Tue	5 pm	11 pm			
Wed	5 pm	11 pm			
Thur	5 pm	11 pm	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
			NONE		
Fri	5 pm	11.30 pm	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	5 pm	11.30 pm			
Sun	5 pm	11 pm			
			ONLY XMAS EVE AND NEW YEAR EVE ONLY 17.00 - 00.30		

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <u>please tick</u> (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	
Mon	5pm	11pm	NONE  Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)  ONLY Xmas EVE AND NEW YEARS EVE 17 00 - 00.30	
Tue	5pm	11pm		
Wed	5pm	11pm		
Thur	5pm	11pm		
Fri	5pm	11.30pm		
Sat	5pm	11.30pm		
Sun	5pm	11pm		

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

Name	VIOYUT PATEL
Address	135. MANOR ROAD. LITTLEOVER. DERBY
Postcode	DE23 6BU.
Personal licence number (if known)	PA 10550419
Issuing licensing authority (if known)	DERBY CITY COUNCIL.

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	None
Mon	17-00	23-00	
Tue	17-00	23-00	
Wed	17-00	23-00	
Thur	17-00	23-00	
Fri	17-00	23-30	
Sat	17-00	23-30	
Sun	17-00	23-00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u></p> <p>ONLY Xmas Eve and New Year Eve 17 00 - 00.30</p>

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

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

MY OBJECTIVES ARE TO MAKE SURE THAT MY ACTIVITIES PREVENTS ALL THE MAIN HEADINGS BELOW BY BEING RESPONSIBLE OPERATOR AND ABOVE ALL TOTAL SAFETY OF MY PATRONS.

b) The prevention of crime and disorder

APPROPRIATE POLICIES IN PLACE TO DETECT ANY SUCH ACTIVITIES FROM THE OUTSET, ZERO TOLERANCE IN PLACE BY TRAINED STAFF.

c) Public safety

USE OF ALCOHOL ON PREMISES BY ADEQUATE COMMON SENSE AND CORRECT MANAGEMENT CONTROLS WILL PREVENT ALL THE NECESSARY SAFETY FOR EVERY BODY.

d) The prevention of public nuisance

THIS AUTOMATICALLY FOLLOWS THE AGREED SAFETY FOR PUBLIC NUISANCE

e) The protection of children from harm

NOT SERVING OR ENCOURAGING INELIGIBLE AGE FOR ANY OF THE ACTIVITIES WE ARE RESPONSIBLE FOR HARM FOR CHILDREN.

**Checklist:**


**Please tick to indicate agreement**

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 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	
Date	16th Aug 2016
Capacity	DIRECTOR

**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)**

VIDYUT PATEL 135 MANOR ROAD, LITTLEOVER			
Post town	DERBY	Postcode	DE23 6B4
Telephone number (if any)	07986 492682		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) vidypatel58@gmail.com			

**Notes for Guidance**

Consent of individual to being specified as premises supervisor

I VIDYUT PATEL  
[full name of prospective premises supervisor]

of

135 MANOR ROAD, LITTLEOVER, DERBY, DE23 6BU.

[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

FULL PREMISES LICENCE  
[type of application]

by

VIDYUT PATEL  
[name of applicant]

relating to a premises licence

ONE  
[number of existing licence, if any]

for

T/A S  
KINARA RESTAURANT,  
THE QUALITY CURRY COMPANY LIMITED

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

2. CASTLE WAY  
WILLINGBORO  
DORSETSHIRE  
DE65 6BT

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

Vidya PATEL

[name of applicant]

concerning the supply of alcohol at

2 CASTLEWAY

WILLINGTON, DERBYSHIRE.

DE65 6BT

[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

PA 10560419

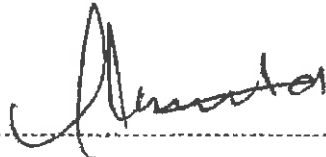
[insert personal licence number, if any]

Personal licence issuing authority

DERBY CITY COUNCIL

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

Signed



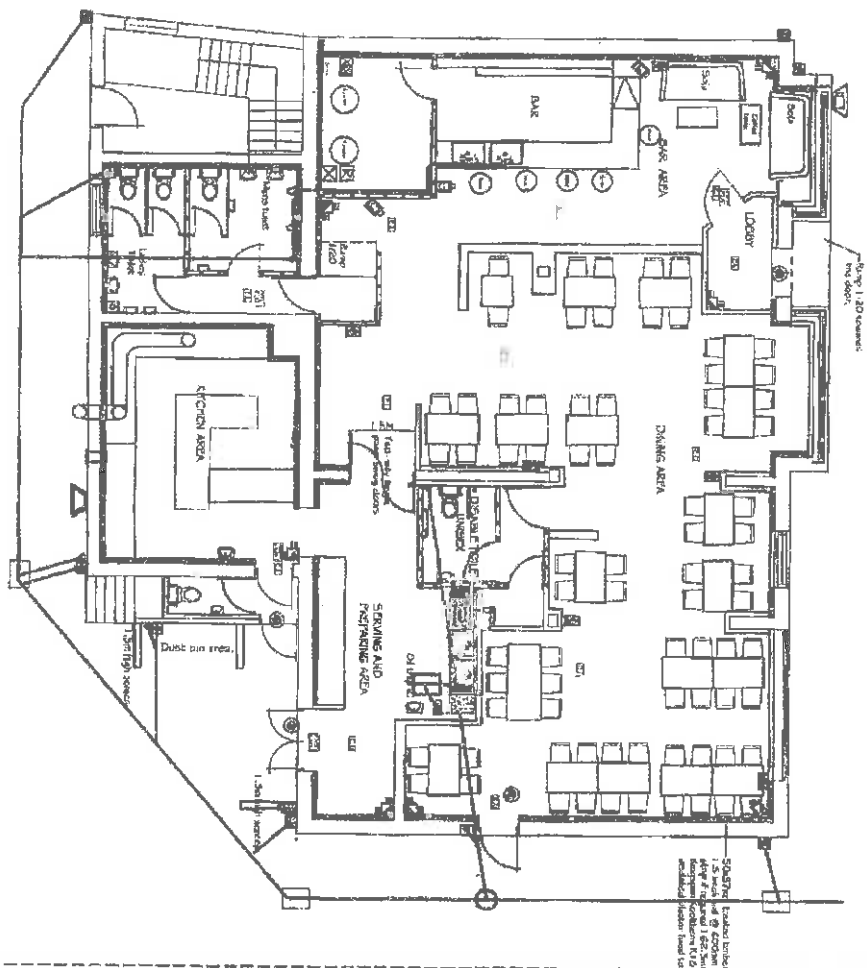
Name (please print)

Vidya PATEL

Date

10<sup>th</sup> Aug 2016

PLAN 1:100



- |   |                          |
|---|--------------------------|
|  | PC speaker               |
|  | Magnetic disk controller |
|  | Mouse control panel      |
|  | Remove floppy disk       |
|  | Do not insert any disk   |
|  | Insert disk into slot    |
|  | Change                   |
|  | Formatting error         |
|  | Blocker                  |
|  | Audio scanner            |

20 Blagruaves Avenue  
Derby DE23 2NS  
m: 0766 220 5920

[illegible]

Mr. Vid Patel

## Proposed conversion of Willington Co-Op store into Restaurant and Take-Away

At 2 CASTLEWAY  
WILLINGTON DE65-GBT

Aug 2016

As Built - CCTV

Drawing Nr: 011



**SOUTH DERBYSHIRE DISTRICT COUNCIL**  
Licensing Act 2003

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

**Responsible Authority** Police

<b>Name</b>	Gemma Rice
<b>Job Title</b>	Police Constable
<b>Postal and email address</b>	St Marys Wharf Police Station <a href="mailto:gemma.rice.14051@derbyshire.pnn.police.uk">gemma.rice.14051@derbyshire.pnn.police.uk</a>
<b>Contact telephone number</b>	0300 122 5860

<b>Name of the premises you are making a representation about</b>	Kinara Restaurant
<b>Address of the premises you are making a representation about</b>	2 Castleway Willington DE65 6BT

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	Y	Protection of staff and customers – cctv at the premises to promote this objective. Staff training/refusal and incident logs required to promote this objective
<b>Public safety</b>		
<b>To prevent public nuisance</b>	y	Signs at all exits asking customers to respect needs of local residents required to promote this objective
<b>To protect children from harm</b>	y	Challenge 25 policy required to promote this objective

<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	<p style="text-align: center;"><b><u>Proposed Conditions Kinara Restaurant, 2 Castleway, Willington</u></b></p> <p>1) Training will be given to staff on commencement of employment about the policies of the business relating to the sale of alcohol and any system or procedures they are expected to follow in the course of dealing with these goods.</p> <p>2) A challenge 25 Proof of age scheme will be operated at all times. Anyone attempting to purchase alcohol that appears under the age of 25 years will be asked to produce a proof of age. Failure to produce satisfactory proof of age will result in a refused sale.</p> <p>Accepted on behalf of the Licensing Authority will be:</p>
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- PASS – accreditation proof of age card.
- Photo Driving Licence.
- Current Passport.
- Ministry of Defence ID card

3) A system of recording sales refused under the proof of age scheme shall be operated at all times.

4) The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as defined in the Licensing Act 2003.

5) The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.

6) The DPS shall ensure that a written incident log is maintained within the premises and details of all 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 as defined in the Licensing Act 2003.

7) A CCTV system will be installed 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).

8) The CCTV recording system must be operating at all times when the premises are open for licensable activities. All CCTV recordings must be retained for a minimum of 28 days. A Police Officer or authorised person as detailed within Section 13 of the Licensing Act 2003 can view the recording at any reasonable time and obtain a copy if required.

9) The premises licence holder, DPS or a designated member of staff 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).

10) The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised designated member of staff.

11) Installed CCTV cameras/monitors are to be positioned so as to ensure all areas to which the public have access are covered, excluding the toilets.

12) All digital recordings to be made in real time, time lapse not to be used.

13) Clear signs to be displayed at all exits requesting that customers respect the needs of the residents and to leave

	the premises quietly.
--	-----------------------

Signed:



Date:

01/09/16

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](mailto:licensing@south-derbys.gov.uk) This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724



**Licensing Act 2003**  
**Premises Licence Application – Kinara Restaurant, 2 The**  
**Castle Way, Willington, Derbyshire, DE65 6BT**  
**Notification to Local Authority of agreement regarding**  
**Representations**

To: Licensing Authority Office

Date: 2<sup>nd</sup> Sep 2016

Dear Sir/Madam

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

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

1) Training will be given to staff on commencement of employment about the policies of the business relating to the sale of alcohol and any system or procedures they are expected to follow in the course of dealing with these goods.

2) A challenge 25 Proof of age scheme will be operated at all times. Anyone attempting to purchase alcohol that appears under the age of 25 years will be asked to produce a proof of age. Failure to produce satisfactory proof of age will result in a refused sale.

Acceptable forms of identification will be:

- PASS – accreditation proof of age card.
- Photo Driving Licence.
- Current Passport.
- Ministry of Defence ID card

3) A system of recording sales refused under the proof of age scheme shall be operated at all times.

4) The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as defined in the Licensing Act 2003.

5) The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.

6) The DPS shall ensure that a written incident log is maintained within the premises and details of all 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 as defined in the Licensing Act 2003.

7) A CCTV system will be installed and the recording system must be maintained in good working order and any faults repaired as soon as

South Derbyshire  
District Council

12 SEP 2016

Legal and Democratic Services

possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).

8) The CCTV recording system must be operating at all times when the premises are open for licensable activities. All CCTV recordings must be retained for a minimum of 28 days. A Police Officer or authorised person as detailed within Section 13 of the Licensing Act 2003 can view the recording at any reasonable time and obtain a copy if required.

9) The premises licence holder, DPS or a designated member of staff 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).

10) The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised designated member of staff.

11) Installed CCTV cameras/monitors are to be positioned so as to ensure all areas to which the public have access are covered, excluding the toilets.

12) All digital recordings to be made in real time, time lapse not to be used.

13) Clear signs to be displayed at all exits requesting that customers respect the needs of the residents and to leave the premises quietly.

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

Signed [Signature] Name VIDYUT in block  
PATEL

Date 2<sup>nd</sup> Sep - 2016

**Licensing Act 2003**  
**Premises Licence Application – *Kinara Restaurant, 2***  
***Castleway, Willington, Derbyshire, DE65 6BY***  
**Notification to Local Authority of agreement regarding**  
**Representations**

To: Licensing Authority Office

Date: 13<sup>th</sup> September 2016

Dear Sir/Madam

I write in my capacity as a Licensing Enforcement Officer for the Derbyshire Police Constabulary.

Discussions have taken place regarding the application in relation to the promotion of the licensing objectives.

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

**1) Training will be given to staff on commencement of employment about the policies of the business relating to the sale of alcohol and any system or procedures they are expected to follow in the course of dealing with these goods.**

**2) A challenge 25 Proof of age scheme will be operated at all times. Anyone attempting to purchase alcohol that appears under the age of 25 years will be asked to produce a proof of age. Failure to produce satisfactory proof of age will result in a refused sale.**

**Acceptable forms of identification will be:**

- **PASS – accreditation proof of age card.**
- **Photo Driving Licence.**
- **Current Passport.**
- **Ministry of Defence ID card**

**3) A system of recording sales refused under the proof of age scheme shall be operated at all times.**

**4) The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as defined in the Licensing Act 2003.**

**5) The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.**

**6) The DPS shall ensure that a written incident log is maintained within the premises and details of all 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 as defined in the Licensing Act 2003.

7) A CCTV system will be installed 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).

8) The CCTV recording system must be operating at all times when the premises are open for licensable activities. All CCTV recordings must be retained for a minimum of 28 days. A Police Officer or authorised person as detailed within Section 13 of the Licensing Act 2003 can view the recording at any reasonable time and obtain a copy if required.

9) The premises licence holder, DPS or a designated member of staff 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).

10) The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised designated member of staff.

11) Installed CCTV cameras/monitors are to be positioned so as to ensure all areas to which the public have access are covered, excluding the toilets.

12) All digital recordings to be made in real time, time lapse not to be used.

13) Clear signs to be displayed at all exits requesting that customers respect the needs of the residents and to leave the premises quietly.

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

Signed:



Name: MARK DUNN Police Constable 2013

Date: 13<sup>th</sup> September 2016



## **REPORT TO LICENSING & APPEALS SUB-COMMITTEE**

**Agenda Item: 4**

**Hearing Date: 6<sup>th</sup> October 2016**

Contact Officer: Mark Lomas – 01283 595890

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

<b>Applicants Name</b>	Elizabeth Devey Smith
<b>Premises Name</b>	Amalfi White Bar & Restaurant
<b>Address</b>	50 Derby Road Melbourne Derbyshire DE73 8FE

#### **1. PURPOSE**

- 1.1 To determine an application to vary a premises licence received by this Authority on the 12<sup>th</sup> August 2016 from Elizabeth Devey Smith. The application is attached at **(Appendix 1)**.

#### **2. BACKGROUND**

- 2.1 The applicant is seeking a full variation to a premises licence to change the hours for live music, late night refreshment, the sale by retail of alcohol and the current opening hours of the premises to the times stated in paragraph 3.

The applicant is also seeking to amend 2 conditions of the premises licence to allow the garden area and the area at the front of the building to be used until 23:00hrs.

Finally, the applicant has requested a last door policy on Fridays and Saturdays of 00:30hrs with regards to new patrons entering the premises.

#### **3. APPLICATION DETAILS**

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

Activity	Days	Times
Live music – (Indoors)	Sunday – Thursday Friday & Saturday New Year's Eve	10:00hrs – 23:00hrs 10:00hrs – 00:00hrs 10:00hrs – 01:30hrs
Provision of late night refreshment (Indoors)	Sunday – Thursday Friday & Saturday	23:00hrs – 01:00hrs 23:00hrs – 01:30hrs
Sale by retail of alcohol for consumption on and off the premises	Sunday – Thursday Friday & Saturday New Year's Eve	10:00hrs – 00:30hrs 10:00hrs – 01:00hrs 10:00hrs – 02:30hrs
Opening hours of the premises	Sunday – Thursday Friday & Saturday New Year's Eve	08:00hrs – 01:00hrs 08:00hrs – 01:30hrs 08:00hrs – 03:00hrs

- 3.2 A plan is attached at **(Appendix 2)** identifying the location of the premises.
- 3.3 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

#### **4. CONSULTATION RESPONSES**

- 4.1 No representations were received from any of the Responsible Authorities.

4.2 Other Interested Parties

Jennifer Owen	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 3)</b> .
Rachael Everard	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 4)</b> .
Helen Dennis	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 5)</b> .
Greg Smith	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 6)</b> .
Sally James	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 7)</b> .
Katie Austin	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 8)</b> .
Sue Wright	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 9)</b> .
Terry Potts	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 10)</b> .
Mrs JJ Rowley	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 11)</b> .
Mr & Mrs Walsh	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 12)</b> .
Gemma Holden	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 13)</b> .

Daniel & Sarah Knappett	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 14</b> ).
Steve Spear	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 15</b> ).
Jan Smith	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 16</b> ).
Judith Baron	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 17</b> ).
James Tranter	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 18</b> ).
Henry Hudson & Holly Johnson	Representation received during the 28 day consultation period including a petition with 15 names thereon, 9 of whom have submitted individual representations. Full details can be found at ( <b>Appendix 19</b> ).

## **5. FURTHER INFORMATION SUBMITTED BY THE APPLICANT**

- 5.1 The applicant submitted further documentation, attached at (**Appendix 20**).

## **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 appropriate for the promotion of the licensing objectives:
1. Grant the licence in accordance with the application.
  2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
  3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
  4. Reject the 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 actually 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. Application for a premises licence to be varied under the Licensing Act 2003
2. A plan identifying the location of the premises
3. Representation from Jennifer Owen
4. Representation from Rachael Everard
5. Representation from Helen Dennis
6. Representation from Greg Smith
7. Representation from Sally James
8. Representation from Katie Austin
9. Representation from Sue Wright
10. Representation from Terry Potts
11. Representation from Mrs JJ Rowley
12. Representation from Mr & Mrs Walsh
13. Representation from Gemma Holden
14. Representation from Daniel & Sarah Knappett
15. Representation from Steve Spear
16. Representation from Jan Smith
17. Representation from Judith Baron
18. Representation from James Tranter
19. Representation from Henry Hudson & Holly Johnson including a petition with 15 names thereon, 9 of whom have made individual representations
20. Statement from applicant



**South Derbyshire**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)  
 Telephone: 01283 221000

\* required information

### Section 1 of 17

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

System reference

Not Currently In Use

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

Your reference

Amalfi Variation 01

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

Elizabeth

\* Family name

Devey Smith

\* E-mail

lizzy@amalfiwhite.com

Main telephone number

01332694890

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

\* Registration number

07676093

\* Business name

Amalfi White Limited

If your business is registered, use its registered name.

\* VAT number

DE 163930933

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 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 17**

**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 (£)

### Section 3 of 17

#### 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.

Extend opening hours at weekends to be in line with the Alma Inn  
Extend time which the garden is open for dining and serving alcohol from 2200hrs to 2300hrs

### Section 4 of 17

#### PROVISION OF PLAYS

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

☐ Yes

☒ No

### Section 5 of 17

#### PROVISION OF FILMS

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

☐ Yes

☒ No

### Section 6 of 17

#### PROVISION OF INDOOR SPORTING EVENTS

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

Page 59 of 178

**Section 7 of 17****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

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

☐ Yes☒ No**Section 8 of 17****PROVISION OF LIVE MUSIC**

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

☒ Yes☐ No**Standard Days And Timings****MONDAY**Start End Start End 

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

**TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End **SUNDAY**Start End Start End



*Continued from previous page...*

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors      ☐ Outdoors      ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Private parties, weddings and key events may wish to have live music played inside Amalfi White. Music will be amplified, however music in the Ballroom will be managed by a sound limiter to ensure the local residents are not negatively impacted by it.

State any seasonal variations for the performance of live music

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

New Years Eve: until 0130.

**Non-standard timings.** Where the premises will be used for the performance of live music at different times from those listed, above below.

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

Live Music may be played in The White Ballroom and White Bar until 0030 twenty four times a year for prebooked events only. The licensing authority and the police will be notified by email when these events are to take place.

## Section 9 of 17

### PROVISION OF RECORDED MUSIC

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

☐ Yes      ☒ No

## Section 10 of 17

### PROVISION OF PERFORMANCES OF DANCE

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

☐ Yes      ☒ No

## Section 11 of 17

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

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

## Section 12 of 17

## PROVISION OF LATE NIGHT REFRESHMENT

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

☒ Yes☐ No

## Standard Days And Timings

## MONDAY

Start End Start End 

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

## TUESDAY

Start End Start End 

## WEDNESDAY

Start End Start End 

## THURSDAY

Start End Start End 

## FRIDAY

Start End Start End 

## SATURDAY

Start End Start End 

## SUNDAY

Start End Start End 

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors☐ Outdoors☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or amplified.

Continued from previous page...

Refreshments will include cold and hot food and hot drinks for consumption on the premises.

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 the premises will be used for the provision of late night refreshment 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.

During events in the White Ballroom and White Bar late night refreshment may be provided until 30 minutes past the terminal licensing hour

### Section 13 of 17

#### SUPPLY OF ALCOHOL

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

☒ Yes

☐ No

#### Standard Days And Timings

##### MONDAY

Start 10:00

End 00:30

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 10:00

End 00:30

Start

End

##### WEDNESDAY

Start 10:00

End 00:30

Start

End

##### THURSDAY

Start 10:00

End 00:30

Start

End

Continued from previous page...

FRIDAY

Start 10:00

End 01:00

Start

End

SATURDAY

Start 10:00

End 01:00

Start

End

SUNDAY

Start 10:00

End 00:30

Start

End

Will the sale of alcohol be for consumption?

☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations.

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

New Years Eve until 0230

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

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

Alcohol may be served between 0800 and 1030 for pre booked champagne breakfasts only.

Alcohol may be served until 0200 six times a year in the White Ballroom and White Bar for prebooked events only. The council and the police will be notified by email 14 days in advance of these events

Section 14 of 17

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.

There will be no adult entertainment services, or activity on site.

This is a family friendly bar and restaurant.

Continued from previous page...

Section 15 of 17

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**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.

A last door entry policy will be implemented on Friday and Saturday nights at the premises. The last time for new entries to the premises will be 00:30. No new access to the premises will be allowed after this time.

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.

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

Continued from previous page...

New Years Eve 0300

The White Ballroom and White Bar will be open until 30 minutes past the terminal licensing hour six times a year for prebooked events only. The licensing authority and the police will be notified by email 14 days in advance of these events taking place.

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

We ask that the following condition is altered:

1. That the existing condition relating to the closing time of the garden be extended from 2200hrs to 2300hrs
2. The front of the building to close for consumption of alcohol from 2000hrs to 2300hrs.

We ask that the following conditions are REMOVED

- Amalfi White staff will be trained in all aspects of possible criminal activity and will be vigilant in its prevention.

The Amalfi White management team are trained to be aware of and to be vigilant of criminal activity, however it is proving difficult for them to be trained in ALL aspects. We as a company will continue to train our management and share with them information of known criminal activity in the local and surrounding area.

- All staff will be CRB checked.

With such a high labour turnover within the industry it is difficult to conform to this condition. By removing it from our license we will still strive to protect children from harm. All employees are asked during the recruitment process to disclose any criminal conviction which they may have. As a company we also ask children to be accompanied and supervised by a parent, guardian or responsible adult at all times. We also have a number of risk assessments in place to safe guard children and also have at least 2 first aid trained members of staff on site at anytime.

- ☐ 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.

I do not have a digital copy of the licence.

## Section 16 of 17

### 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.

Staff are trained to ensure that they are aware of the licensing objectives and the ways in which Amalfi White promotes those objectives. Staff are trained in relation to serving alcohol via a challenge 25 policy, health and safety, keeping children from harm and ensuring **Amalfi White does all it can to prevent public nuisance.**

Training is regularly refreshed.

Adult entertainment is not be allowed on the premises

*Continued from previous page...*

Amalfi White promotes responsible retailing.

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

Amalfi White is a family run restaurant and event space and as such provides an environment that appeals to the local community, families and celebratory social gatherings. It is not an attractive venue to those seeking to indulge in criminal activities.

The DPS maintains an incident log on the premises and shall be produced on request of an authorised person as detailed within Section 13 of the Licensing Act .

The DPS will be a member of the local Pub Watch scheme when such a scheme exists.

CCTV cameras are present inside and outside the building to protect the public and staff from crime.

Amalfi White operates a Challenge 25 policy

Amalfi White has a zero tolerance to drugs

Toilets are regularly checked.

External lighting is provided for the safety of patrons when leaving the premises.

**c) Public safety**

Smoking areas are provided away from combustible materials and structures.

Amalfi White has a zero tolerance to drugs policy.

External lighting is provided for the safety of patrons when leaving the premises.

CCTV is used to deter crime and protect the public

**d) The prevention of public nuisance**

Amalfi White is a family friendly restaurant, bar and event space that is focused on providing family friendly dining and social events. The business is run at all times in a manner considerate to the needs of the local residents for quiet and privacy as well as regarding the needs of the wider Melbourne community for the use of the facilities for social gatherings.

Amalfi White has a dispersal policy to ensure smooth flow of patrons leaving the premises in an orderly fashion.

- Staff are instructed to monitor customers and eject anyone who is obviously intoxicated and no longer able to exert reasonable control over their behaviour.
- There are prominent signs by the main exit doors asking patrons to respect local residents and leave quietly
- A sound limiter is used in the upstairs Ballroom to ensure noise does not impact local residents
- The front entrance area is encouraged to be used by those waiting for taxis to avoid loitering on the street.

We are prepared to add a condition that on nights when we have an event as well as on Friday and Saturday nights from 11pm a member of staff is assigned the role of Noise Control Officer. They will patrol the garden and the front of the

Continued from previous page...

building to ensure noise is kept to a minimum.

e) The protection of children from harm

All staff are trained to ensure the provisions of the Licensing Act are known and adhered to when dealing with children and alcohol.

Staff are trained in the age restricted products offered by Amalfi White and any policies relating to children on the premises.

Section 17 of 17

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](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 (£)

190.00

DECLARATION

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

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

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

\* Full name

Elizabeth Devey Smith

\* Capacity

Owner



Continued from previous page...

\* Date

15 / 07 / 2016  
dd mm yyyy

Add another signatory

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

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

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

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

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

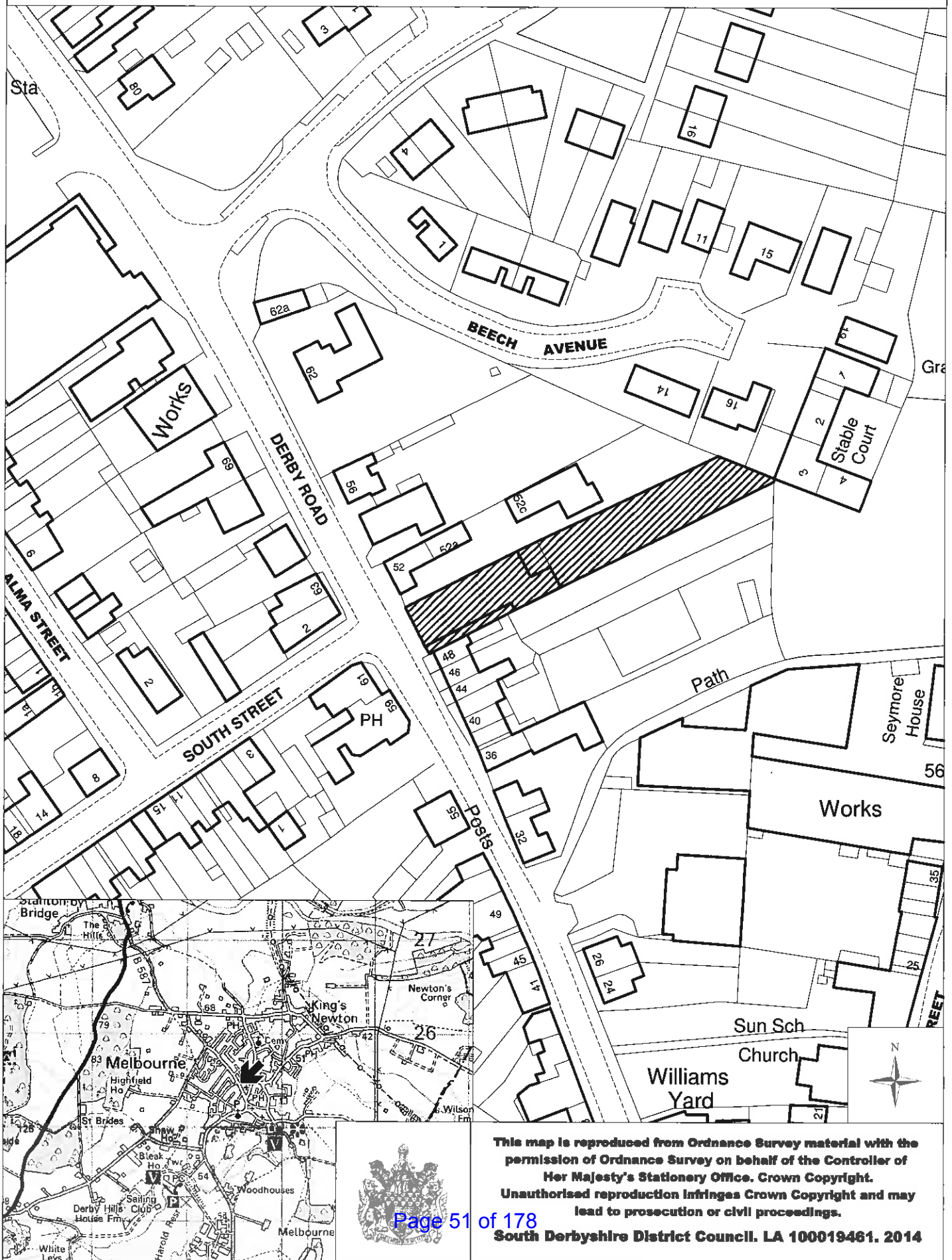
**OFFICE USE ONLY**

Applicant reference number	Amalfi Variation 01
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	<input type="checkbox"/>

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



**Amalfi White Bar & Restaurant, 50 Derby Road, Melbourne, Derbyshire  
DE73 8FE**



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South Derbyshire District Council. LA 100019461. 2014

**Tucker Faye**

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**From:** Jennifer Owen  
**Sent:** 05 September 2016 10:05  
**To:** Licensing Mailbox  
**Subject:** Amalfi Whites- Melbourne SDDC 157

**Categories:** Faye

Ref Amalfi Variation 01.

To Whom It May Concern,

I wish to object to the application made by Amalfi Whites to extend their opening hours for the consumption of alcohol and live music in the premises.

My reason for the objection is as a neighbour to Amalfi Whites I have put up with a lot of disturbance from Amalfi Whites and sleepless nights.

When they have weddings or events on this disturbs us by the loud music played to the point where I cannot sleep as I can hear everything word for word in my bedroom and also vibrations keep me awake. If downstairs I have had to close my back door during all the hot weather we have had as I can't even hear my television over the noise. There is no consideration to the neighbours. I have to get up early for work (5.30 am) and find that the noise coming from Amalfi keeps me awake at night and if they were to get an extension to the license this would have a serious impact on my health and then probably my Job.

The property only has old single glazed windows and clearly no noise restriction in place as do other public houses in the area as I don't have a problem with the Alma Inn when they have live music.

The alley also makes things louder due to the echo as you can imagine. The staff use the side door only and when closing up for the night they need to take the residents into accounts as can at times be loud. So this would mean that they would be setting the alarm and closing up later again this wakes me up.

Staff empty bottles into the bins at ridiculous hours not having any consideration for the neighbours that have to get up for work the next day or those that have young children. Surely this should not happen between the hours of 8pm and 10am.

This leads me onto the Bins that are in the Alley and the smell from them, they often are overflowing so the lids do not close and if they are open longer then surely this will make more waste and clearly they do not have enough bin space as it is now. The bins are also emptied by their supplier not sure who that is but can be as early as 5.15/5.20 am, Now whilst I am due to get up my partner is not and I feel that this time is far too early in a residential area.

It states in the paperwork that smoking is in designated areas, this I disagree with as the staff smoke in the Alley by the back door which to me is a health and safety issue due to the bins in the alley, we did have to run into them on one occasion as they had been smoking in the alley and clearly not extinguished the cigarette fully as the bins was on fire which was situated between what I believe to be their cooling system possibly, this evidence can be seen if visiting the premises. Again very close to my house should this have spread to all the bins that are in the Alley. For customers smoking there is the back garden but if they are not wanting customers out in the back garden late which is situated between residential gardens/houses where do they intend to allow them to smoke. This will probably then mean they smoke to the front of the property which is basically on the street of Derby Road. This will increase the noise.

The staff need to make sure that the outside area is clear before locking up as I have lost track of the amount of times that glasses have been left outside and also on my wall and still not picked up the following day to the point

where I throw them in the bin as I don't want teenagers coming passed and smashing them at the local properties and cars.

The parking in the area due to the amount of outside custom is a joke, the only day I can guarantee getting parked along Derby Road is a Monday which is because Amalfi Whites are closed!

I still can't understand how planning permission was granted taking into account what the parking was like before and the increase of business Amalfi whites has brought to the area, I'm not sure where people are expected to park, you would have thought that Amalfi would open the One Off Car park in the evenings and weekends for the customers as the majority of their custom is not locals so bringing in a large amount of traffic to the area. I have to park as far away as Victoria street, George street on occasion. Permit parking should be bought in so that residents that pay council tax have the chance to park near to their houses.

Amalfi Whites also close off parking areas to save spaces for wedding cars. I am sorry but if you chose to open a business on the main road in Melbourne you do not have the right to do this.

I do object to the extension in hours and hope that my email shows the reasons why I feel that the hours Amalfi Whites opens now is not ideal for the residents without any extra hours be granted.

Please feel free to contact me on this email address or on my mobile 07812 607717

Kind regards

**Jennifer Owen MARLA**

**Tucker Faye**

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**From:** Everard, Rachael  
**Sent:** 31 August 2016 14:51  
**To:** Licensing Mailbox  
**Subject:** Objection to premises license variation application, Amalfi White Limited

**Categories:** Faye

Dear Sir or Madam

I am emailing to submit my objection to the Application to Vary a Premises Licence from Amalfi White Limited, 50 Derby Road Melbourne DE73 8FE. I am making this objection as a neighbouring resident on the grounds of public nuisance and noise disturbance.

Having lived within close proximity of the premises since its opening, I am concerned about the level of noise and disturbance to local residents - this will only increase with later opening hours, longer serving hours, later music playing and increased outdoors hours. In my opinion, the premises has demonstrated little concern or regard for the wellbeing of local residents to date.

Already neighbouring residents are subject to high levels of noise and disturbance from the premises. This includes levels of noise that can be clearly heard within my property late at night. This noise disturbance includes customers leaving the premises late at night - as the premises provides no parking facilities for either employees or customers there is often a high level of noise around closing time, particularly at weekends, while customers call taxis or await transport home (not to mention the high level of strain placed on local parking). As far as I am aware, the premises makes little to no effort to minimise this noise outside the premises - which is directly next door to residential properties. For example, on a number of occasions my neighbours have had to go out and ask leaving customers to minimise the noise with no support from Amalfi White employees.

Further, music played within the venue - particularly live music for evening events and weddings - can be heard within these residential properties. The sound limiter detailed in the application is not effective. This is becoming an increasing disturbance as the frequency of weddings and events has substantially increased - what used to be restricted to the occasional Saturday evening has already become a more regular disturbance during the week and even Sunday nights. Currently it is a relief when the live music stops at 11pm - extending these hours will result in increased disturbance and nuisance for local residents, many of whom have young families.

I am aware that the application to vary the premises licence has been made on the grounds of neighbouring premises having later hours, however I believe that the nature of the premises and its customer base should be taken into consideration. The Amalfi White premises predominately attracts customers from outside of Melbourne and it's immediate vicinity - in my opinion this means customers tend to have less consideration for neighbouring residents, and also means they are often waiting outside the premises late at night for transport. The premises is also incredibly popular, and attracts much larger numbers of guests and customers than neighbouring premises. This will likely increase with later opening hours and longer serving hours. Neighbouring residents are also likely to be subject to further disturbance from customers arriving at the venue later in the evening due to its later opening hours, as a number of the other premises in the village will close before the proposed later times of Amalfi Whites.

I hope the fact that the properties immediately neighbouring the premises are under a conservation restriction will also be taken into consideration. This prohibits the use of double glazing or other attempts to minimise noise within the properties.

In addition to not extending the opening hours or live music hours as applied for, I would like to make a number of suggestions for alterations to the application, as per the objection for:

- Make parking provisions available (for example valet parking using the parking facilities at the One Off premises), or as a minimum provide parking facilities for employees

- Make provisions to sound proof the areas where live music is played
- Restrict the occasion on which live music is played to 24 times a year, and ensure residents are notified in advance of these occasions

I support the appointment of a noise control officer as detailed in the licence application, however I do not feel the controls listed in the application go far enough to help minimise disturbance to local residents.

I personally have enjoyed the premises at Amalfi Whites in the past and wish them the best, however I am gravely concerned about the level of impact on local residents which will only increase with an extension to the licence. I hope that my concerns and objections will be taken into consideration. I confirm I am happy for my concerns to be detailed to be shared with the Applicant or read in public at the sub-committee meeting for the purposes of considering the Amalfi White licence extension application.

I am happy to be contacted to provide further information or to discuss any of the points raised.

Yours sincerely,  
Rachael

**Rachael Everard**  
40 Derby Road, Melbourne DE73 8FE



Late licence application by Mrs E Davey-Smith of Amalfi White, 50 Derby Rd, Melbourne, Derbyshire, DE73 8FE

Please accept this letter as my formal objection to the above mentioned licence application on the grounds of Public Nuisance, Protection of Children and Crime and Disorder.

I reside at 44 Derby Road with my Husband and two children and was very concerned to hear of the licence application that has been submitted by Mrs E Davey-Smith of Amalfi White. I was informed of the application by a neighbour.

Living in a conservation area I had to apply to the council when I wanted to change my front door. My neighbours were informed by letter and signs were located on all nearby lampposts. I was disappointed to see that this notice is not clearly advertised and none of the local residents have been informed.

I have had many issues under the current licence which I fear will get considerably worse if the application was to go ahead.

Weddings/Parties etc - There have been many occasions when live music/ discos have caused a severe disturbance to us. The music omitted from the ballroom is extremely loud, loud enough to hear all the words with our windows and doors closed. As reported in the Burton Mail, in August 2013 it was a condition of their licence to have a sound limiter fitted. I believe that if this is the case it is being bypassed somehow as it clearly isn't working. I feel that if music is allowed to carry on until 1am 26 times a year as requested then this will cause an even bigger impact on our quality of sleep especially with children in the house (one being only 20 months). It is bad enough now until 12. Guests leaving these events can be extremely noisy and inconsiderate when they're intoxicated, waiting directly outside for taxi's etc, shouting, laughing and using inappropriate language and on one occasion fighting. On many occasions this has woken myself and my children.

On a couple of occasions we have had to remove vomit from directly outside of our front gate, left by said inconsiderate guests.

The report in the Burton Mail from August 2013 also states "These plans have been welcomed by our conservation officer and over 100 local residents who stop us in the street, email us and actively encourage our project – including residents on Derby Road. I would like to ask which residents were informed of said plans as our row (the closest in proximity to Amalfi White) certainly weren't.

Due to our drafty single glazed windows (unable to replace with double glazing due to the conservation area) I am also concerned about diesel fumes from taxi's minibuses and even coaches collecting guests outside, and cigarette smoke entering our property where my children sleep in the front bedroom.

On several occasions we have noted that staff members are gathering in the alleyway late at night, being very inconsiderate, smoking, laughing and using inappropriate language, so even when parties aren't on in the ballroom I am unable to have the bedroom window to the rear of my property open.

The beer garden supposedly has a curfew of 10pm at present. I know for a fact that this isn't adhered to, on numerous occasions people have still been located outside drinking and shouting after this time, what will happen if the licence is extended to include drinking outside until 11? That I have to listen to this inappropriate level of noise coming from the beer garden until after this time?



Refuse is still being collected at unsociable hours. As early as 5am on occasions waking the whole household, also the burglar alarm has tripped on many occasions, one time it was going off for nearly 30mins at 3am in the morning.

I have personally contacted the Environmental Health Department regarding a lot of these issues but it seems my concerns and those of my neighbours aren't having any affect. I know my neighbour has also contacted 111 on numerous occasions to be told 'there's nothing they can do' and another neighbour has just moved out because of the noise and parking situation.

At present the only break we have from the noise and disruption is on Sunday Evening when no party is being held and a Monday but if the application goes ahead we will never get a break.

The application would appear to sit alongside those of inner-city nightclubs. Not a family establishment located in a residential area.

I don't like to complain unless it is utterly necessary, however I need to make you aware of the impact this establishment is having on mine and my family's health and well being. I work full time alongside being a parent and as I'm sure you could imagine how the current disturbances are affecting my health.

I would like to add that I have total respect for anybody that builds a business, but I would like to ask should their profit margins have such a detrimental effect on all local residents' wellbeing?

Kind Regards

Helen Dennis  
44 Derby Road  
Melbourne  
Derbyshire  
DE73 8FE

**Tucker Faye**

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**From:** Greg Smith  
**Sent:** 06 September 2016 22:19  
**To:** Licensing Mailbox  
**Subject:** Representation to Amalfi White hours extension application  
**Attachments:** Representation - Other Persons\_tcm21-230501.pdf

**Categories:** Faye

Dear Sirs,

Please find attached our Representation submission to the current Amalfi White Limited application to extend Licensed hours. I would be grateful for confirmation of receipt.

regards,  
Greg Smith





## **SOUTH DERBYSHIRE DISTRICT COUNCIL**

### **Licensing Act 2003**

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

**Note:** Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

You may request that the Licensing Authority withholds some or all of your details, however, the withholding of details will only be considered in exceptional circumstances where the Licensing Authority believes there to be a genuine and well-founded fear of intimidation. Any person who wishes the Licensing Authority to consider withholding their details is advised to contact the Licensing Department prior to submitting this form.

Your personal details will be redacted in the Licensing and Appeals Sub-Committee report.

An 'other person' can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

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

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

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority. This period is reduced to 10 workings days for minor variations applications.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Licensing Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	Greg Smith
Address:	52c Derby Road, Melbourne
Postcode:	DE73 8FE
Tel:	
E-mail:	

Please confirm the name and address of person, represented person or business affected, if different from the address given above i.e. this could be a shop premises in the vicinity but you do not live at the shop premises.

Name:	
Address:	
Postcode:	

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

Name of Applicant:	Amalfi White Limited
Address of Premises	50 Derby Road, Melbourne, DE73 8FE
Application Details:	Extension of opening hours

Please give details of your representation and evidence supporting your representation in the box below. Indicate which of the licensing objectives your representation refers to by ticking the relevant box/es:

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

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

Details of representation (please use additional sheets where necessary)

As an immediate neighbour to Amalfi White we are extremely concerned at their application to extend their opening hours. We are already impacted by noise from several of their activities:

- i) Late night events in the upper storey 'Ballroom' disrupt our sleep and especially our 3 children.
- ii) Patrons regularly continue to drink in the garden past the current Licence time limit of 22.00, again disrupting our sleep. This was originally the matter of a formal complaint to SDDC Licensing Section in January 2014. However, it continues to be a problem.
- iii) Piped music that is played in the garden is left on all through the night. We have had to contact Amalfi White on 3 separate occasions in the past 12 weeks over this matter. Email evidence is available.
- iv) We were woken one night approaching midnight recently by staff drinking and being very loud in the garden.
- v) Late night revellers and waiting taxis in the early hours can be heard from our house.

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

We think that the proposed extension to opening hours, including the separate limits on the outside areas will further detrimentally impact our quality of life. We would ask that the requested extensions are refused.



Once the Licensing Section has received this form you will receive a written acknowledgement. Your representation will be forwarded to the applicant and/or their representative who may contact you in order to discuss your representations.

This form must be received by the Licensing Authority within the statutory representation period.

Signed: .....  .....

PRINT NAME: ..... Greg Smith .....

Date: ..... 6th September 2016 .....

Please return this form to the following address:

South Derbyshire District Council  
Licensing Section  
Civic Offices  
Civic Way  
SWADLINCOTE  
DE11 0AH

Or by email [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)

## Tucker Faye

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**From:** greg.smith52c@btinternet.com  
**Sent:** 09 September 2016 22:53  
**To:** Katherine Fox  
**Cc:** Licensing Mailbox; Debs  
**Subject:** Customers in Amalfi White garden

**Categories:** Completed, Faye

Katherine,

There are, not for the first time, customers drinking in your beer garden. Your licence limits drinking in the garden, to 10pm I believe. It is now 10.40. We have noticed them because they are loud enough to hear from inside our house.

We also heard heavy swearing from a group of males at around ten to eight tonight.

We would like to hear how you plan to resolve these issues.

Thank you,  
Greg Smith

Sent from my iPhone



## Tucker Faye

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**From:** Katherine Fox <kat@amalfiwhite.com>  
**Sent:** 19 May 2016 08:48  
**To:** greg.smith52c@btinternet.com  
**Subject:** Re: Amalfi White

Sorry about this Greg, I have told all the staff but we had a new manager this week who forgot to turn it off so it shouldn't happen again.

Kind regards,

Sent from my iPhone

On 18 May 2016, at 22:46, [greg.smith52c@btinternet.com](mailto:greg.smith52c@btinternet.com) wrote:

Hello Katherine,

The outside music was again playing through the night on Tuesday. We would ask you to ensure this is turned off every evening to avoid disturbing your neighbours.

Thanks,  
Greg

Sent from my iPhone

On 10 May 2016, at 12:56, Katherine Fox <[kat@amalfiwhite.com](mailto:kat@amalfiwhite.com)> wrote:

Hi Greg,

Many thanks for your email the other day, we have since spoken to our handy man who has assured us he will start later in the morning (I live on the new kings croft development site in Melbourne so I can sympathise with you on being woken up too early!)

I will make sure he gets rid of any garden materials via our bins which is what we thought was happening anyway.

We are aware that summer is approaching so we have plans in place to make sure our customers are aware when they need to come inside.

If you do have any problems feel free to email me, being a local resident myself I like to make sure I can resolve any issues as fast as possible!

Warmest regards,

--

Katherine Fox

Restaurant and Events Manager - *Amalfi White*

[www.amalfiwhite.com](http://www.amalfiwhite.com)

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## Tucker Faye

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**From:** Katherine Fox <kat@amalfiwhite.com>  
**Sent:** 24 August 2016 09:26  
**To:** greg.smith52c@btinternet.com  
**Subject:** Re: Amalfi White

Sorry Greg I wasn't working last night and have just received your email - hope it got turned off, I sent an email out to the team about making sure it gets turned off!

Kind regards,

Sent from my iPhone

On 23 Aug 2016, at 23:14, [greg.smith52c@btinternet.com](mailto:greg.smith52c@btinternet.com) wrote:

Katherine, can you please turn the outside music off.

Sent from my iPhone



To whom it may concern,

I would like to put forward my strong objections, primarily towards the extension of the garden hours, but also the restaurant/bar hours of Amalfie White, 50 Derby Road, Melbourne.

The perimeter of the Amalfie White garden is completely surrounded by residential properties and gardens, including my own. I have had growing concerns about the business since it's opening. The noise level has been steadily increasing, and already I can no longer enjoy spending time in my own garden during the evenings. At times I can even hear them through my closed double glazed windows, never mind when they are open. I am already finding it difficult to be a good but noise disturbed neighbour from early evenings onwards until (allegedly) 22:00, due to the current garden hours.

They must be aware of the increasing noise as they have kindly offered to create a Noise Control officer. I am intrigued by the dynamics of this. Will this be a full time position, or just a token role for a presumably already busy member of staff? Will it work upon self-intuition, or reactive to noise complaints from the neighbours that this will inevitably disturb? As the evening progresses, the level of noise will increase with or without a 'noise officer'. This should not be necessary in a local village restaurant/bar. It was my impression that the bar would supplement the restaurant and not act as its own entity. Given that they wish to extend their opening hours to coincide with the Alma pub (opposite), will this not create magnify the noise concerns once the patrons of both premises leave at the same time?

As a local resident, I am also concerned about the statement in the prevention of public nuisance, whereby the staff are instructed to eject anyone who was obviously intoxicated and no longer able to exert reasonable control over their behaviour. Do they not have a duty of care to that patron to get them safe passage home? Are the restaurant staff trained adequately to deal with inebriated customers, and aware of the legal and moral responsibilities of this?

As they have stated, Amalfie White is a family friendly restaurant, and as such should continue with the CRB checks on their staff. It is important not to rely on the new employee to disclose of any previous criminal history, as surprisingly they might be reluctant to do so. Would this guarantee the safety of children that often play in play area at the bottom of the garden without parental supervision?

Kind regards,  
S. B. James  
Concerned resident.



**Tucker Faye**

---

**From:** Austin Property ·  
**Sent:** 07 September 2016 23:00  
**To:** Licensing Mailbox  
**Subject:** Amalfi White, Derby Road, Melbourne, Derby, DE73 8FE.

**Categories:** Faye

Dear Sir/Madam

We understand that there has been an application submitted by Amalfi White, Melbourne for an extension of licensing hours to 1.00am. We own the property next door to this property (48 Derby Road), currently renting this property to Tenants.

We would like to make an objection to this, based on the following:

- We have received several complaints from our Tenants and on speaking to the neighbours about the noise that Amalfi White are already causing. This is down to several reasons;
  - Dustbins being emptied around 5.30am on Tuesday mornings
  - Bottles being emptied by the staff into the dustbins down the alleyway between our properties after 11.30pm – we presume this is when they close, does this mean they would be emptying them at 1.30am if they received extended opening hours!?
  - Their staff smoking in the alleyway between our properties and talk very loudly whilst doing so – again does this mean they will be smoking out there until 1.30am?
  - The windows are single glazed in their upstairs function room so the music does sound very loud. Recently this has been played until 12.00pm on a Sunday evening on quite a few occasions, our tenants have to get up for work at 5.30am. If the hours were extended this again would be totally unacceptable.
  - Their bins are already overflowing which we consider an environmental hazard. If they are open for longer hours, surely they will have more rubbish.

We feel they are generally very inconsiderate of neighbours, particularly their staff having very little thought for people having to get up for work at early hours. We used to live in this house (and actually moved out due to Amalfi White opening) and feel that what isn't realised is that EVERYTHING echo's very loudly down the alleyway in between the properties. If someone would like to witness this, we would be more than happy to meet there.

This could also affect our ability to Let this property, as we are very concerned this may end up causing our tenants to leave our property. Also the re-sale value of the house would be affected, as very few people would be keen on purchasing a property next to a pub that is open until 1.00am.

We would appreciate a response confirming that this objection has been taken into account regarding this application.

Regards

Katie Austin

136 Packhorse Road, Melbourne, Derby, DE73 8BZ

South Derbyshire  
District Council

- 8 SEP 2016

Legal and Democratic Services

Sue Wright  
56, Derby road  
Melbourne

Dear Sue,

I would like to put in an objection to Amalfi white extending their opening hours. Car doors being slammed, people shouting, music late at night as doors and windows are open, upstairs. Children shouting late at night down the garden as well as people talking. People standing outside waiting for taxis, talking. Taxis parked across my drive way running

their engines waiting  
to pick people up.  
When their is functions  
on upstairs, we get  
stretch limousines trying  
to park, double decker  
buses all dropping  
people off.

I already complained  
about bin lorries coming  
at 5 a.m. in mornings.

When they have deliveries  
they park on the  
pavement, opposite Amalfi,  
There is nowhere to  
park outside the  
premises.

Yours sincerely  
Sue Wright.

**Tucker Faye**

---

**From:**  
**Sent:** 12 September 2016 09:47  
**To:** Licensing Mailbox  
**Subject:** Licensing Objection  
**Attachments:** SKMBT\_C284e16091208250.pdf  
  
**Categories:** Faye

Please find attached Licensing Objection relating to Amalfi White, Melbourne.

Terry Potts  
Mitreform Ltd





## **SOUTH DERBYSHIRE DISTRICT COUNCIL**

### **Licensing Act 2003**

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

**Note:** Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

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Your personal details will be redacted in the Licensing and Appeals Sub-Committee report.

An 'other person' can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

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

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

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

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority. This period is reduced to 10 working days for minor variations applications.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Licensing Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	Terry Potts - Mitreform Ltd
Address:	17 George Street, Melbourne, Derby
Postcode:	DE73 8FS
Tel:	
E-mail:	

Please confirm the name and address of person, represented person or business affected, if different from the address given above i.e. this could be a shop premises in the vicinity but you do not live at the shop premises.

Name:	Terry Potts - Mitreform Ltd
Address:	17 George Street, Melbourne, Derby
Postcode:	DE73 8FS

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

Name of Applicant:	Elizabeth Devey Smith - Amalfi White
Address of Premises	50 Derby Road, Melbourne, Derby
Application Details:	Application to vary a premises licence

Please give details of your representation and evidence supporting your representation in the box below. Indicate which of the licensing objectives your representation refers to by ticking the relevant box/es:

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

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

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



Details of representation (please use additional sheets where necessary)

Ref Application to vary premises licence at Amalfi White Melbourne - licence number LAPRE0287

As owners of 52 Derby Road, Melbourne, and this being situated adjacent to Amalfi White 50 Derby Road, Melbourne, we feel we must object to the proposed extension to the licensing hours as requested by Amalfi White.

The extension of the opening hours would only add to an already noise and nuisance value, which is currently the situation and would extend the problems to much later into the early hours of the morning.

An extension of the opening hours would have an even more detrimental impact on the surrounding properties and local residents would again be subjected to an intolerable nuisance caused by late night taxis, people leaving in the early hours of the morning and in the long term devaluing surrounding properties.

Amalfi White request in their application that the licensing hours be extended to 00:30 Sunday to Thursday and 01:00 on Fridays and Saturdays with an additional 30mins to serve light refreshments. This would in effect mean customers leaving the premises after 02:00

The neighbouring properties have young children living there and late night noise is unacceptable.

The fact that Amalfi White feel the need to appoint a 'noise management' person clearly states that they admit to a problem with noise, which they have been unable to control previously.

When challenged in the past regarding noisy customers, their response has been that they do their best but it is always difficult.

The existing license states that drinking at the front of the premises is until 20.00 hours surely an addition 3 hours would be unacceptable given the position and frontage of the property, likewise an extension to the drinking hours at the rear of the property with the close proximity of the adjacent houses where children live is also unacceptable.

The frontage area of Amalfi White is very limited and to serve alcohol until 23:00 is effectively allowing drinking on the main street. Bearing in mind that the distance between our property and Amalfi White is less than 12ft this effectively means they are virtually under young children's bedroom windows.

We ask the question would this new proposal be in keeping with the surrounding area designated as a conservation area.

continued.....

Amalfi White state that they have a 'family friendly restaurant and bar ....providing family friendly dining and social events ' but surely by extending the opening hours until the early hours of the morning, having live music and allowing new entries to the premises up to 00:30 they seem to be moving away from what they state is their intended business.

We would ask that all the above points are taken into consideration when the licensing officer makes his decision, and suggest a sight visit would be appropriate to familiarise themselves with the location.

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

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

Once the Licensing Section has received this form you will receive a written acknowledgement. Your representation will be forwarded to the applicant and/or their representative who may contact you in order to discuss your representations.

This form must be received by the Licensing Authority within the statutory representation period.

Signed:  .....

PRINT NAME: ..... Terry Potts .....

Date: ..... 10.09.2016 .....

Please return this form to the following address:

South Derbyshire District Council  
Licensing Section  
Civic Offices  
Civic Way  
SWADLINCOTE  
DE11 0AH

Or by email [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)



**South Derbyshire District Council**

**Licensing Section**

**Civic Offices**

**Civic way**

**Swadlincote**

**Derbyshire**

**DE11 0AH**

08.09.2016

**Application to vary licence on Amalfi White Limited, 50 Derby road, Melbourne DE73 8FE**

Dear Sir,

I am writing to object to the application to significantly vary the licence on the Amalfi White business which has been submitted by Elizabeth Devey Smith, the owner of the company. We reside directly opposite the property.

My reasons for objection are as follows:

The premises has no off road parking. The current situation is that taxis dropping people off and picking up already create noise and increase traffic on what is quite a narrow section of road which has two-way traffic flow. An extension is going to make this problem significantly worse and disturb people's sleep even more.

Guests who currently park further down the road and walk to and from the premises already create a great deal of noise. This will increase if the licence is extended.

My husband is elderly (90+) and very frail. Noise of the lives music travels very easily in the road. The current arrangements already cause disturbance. The increase in noise and disturbance which extending the licencing to the degree requested would cause significantly more distress and disturbance when trying to sleep.

Yours faithfully,

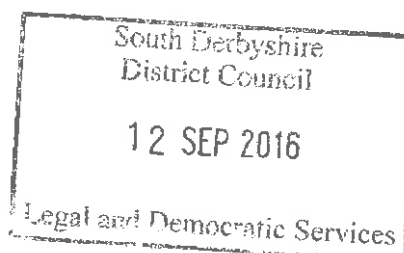
Mrs JJ Rowley

Touch down

63 Derby road

Melbourne

DE73





## SOUTH DERBYSHIRE DISTRICT COUNCIL

### Licensing Act 2003

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

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Your personal details will be redacted in the Licensing and Appeals Sub-Committee report.

An 'other person' can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

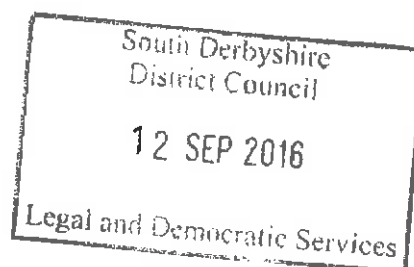
Please indicate in which capacity you are making this representation by ticking a box below:

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

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Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

1. The Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm



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

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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 10 working days for minor variations applications.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Licensing Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below:

Name:	MR + MRS K. WATSH
Address:	14 BEECH AVE MELBOURNE
Postcode:	DE73 8FA
Tel:	
E-mail:	

Please confirm the name and address of person, represented person or business affected, if different from the address given above i.e. this could be a shop premises in the vicinity but you do not live at the shop premises.

Name:	
Address:	
Postcode:	

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

Name of Applicant:	MRS E H DEVEY SMITH
Address of Premises	AMALFI WHITE 50 DERBY RD MELBOURNE
Application Details:	EXTENSION OF LICENSING HOURS.

Please give details of your representation and evidence supporting your representation in the box below. Indicate which of the licensing objectives your representation refers to by ticking the relevant box/es:

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

We strongly object to the application submitted by Mrs E H. Debey on behalf of the Amalfi White to increase the hours during which alcohol can be served + entertainment provided on Thursday, Friday Saturday + Sunday

The current hours already cause a considerable amount of disturbance to the local residents; to increase the hours would exacerbate the problem as it could become a magnet to others wishing to extend their drinking time.

The Amalfi White is in the heart of a residential area, any extension of the permitted hours can only be detrimental to the well-being of the residents. To most people extending the hours would be irresponsible + show a lack of consideration.

Once the Licensing Section has received this form you will receive a written acknowledgement. Your representation will be forwarded to the applicant and/or their representative who may contact you in order to discuss your representations.

This form must be received by the Licensing Authority within the statutory representation period.

Signed: ..... *S. Walsh* ..... *K. Walsh* .....

PRINT NAME: *S. WALSH* ..... *K. WALSH* .....

Date: *9<sup>th</sup> Sep 2016* .....

Please return this form to the following address:

South Derbyshire District Council  
Licensing Section  
Civic Offices  
Civic Way  
SWADLINCOTE  
DE11 0AH

Or by email [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)



**Tucker Faye**

---

**From:** gemma parker  
**Sent:** 08 September 2016 18:58  
**To:** Licensing Mailbox  
**Subject:** Objection to planning application by 50 Derby Road (Amalfi White)  
**Categories:** Faye

I have sent this previously but did not receive acknowledgement for the objection as neighbours have done. So I am sending the email again to ensure the objection is logged.

Please accept this email as a written objection to the notice of application for a variation of premises license at Amalfi White (50 Derby Road, Melbourne DE73 8FE), made by Mrs E H Devey Smith.

The variation to the premises licence for Amalfi White concerns me greatly, and I am making this objection based on the grounds of prevention of crime and disorder, prevention of harm to children, and prevention of public nuisance. As a resident living within 10 meters of the door of the restaurant and bar, we already have to deal with a lot of noise from (or in association to) the establishment within its current licensing agreement. This comes in a variety of ways, a few being;

Disco and live acts noise is excessive on evenings when they hold functions or special events, such as Weddings and Christmas party nights which run through December, to name but a few. The bass from the music can be felt and heard in my property and without the TV being turned up, the music would be audible to the point that I could sing along. This is compounded by the fact that we live in a conservation area and are restricted to only having single glazed windows on the front of our properties. I personally have double glazing at the back of my house which runs along side the alley and staff/back entrance to Amalfi, but this does little to help as it seems that they only have single glazed windows on the side and rear of their property (specifically the ballroom where the functions are held and music is played), therefore the noise still travels. I can even hear the conversations of guests who are standing by the windows in the upstairs ballroom when we are in the garden. That's how easily the noise travels. The DJs can also be loud and inconsiderate when leaving or packing up their vans in the street at the end of such events. With a bedroom at the front of my property, with single glazing, we inevitably have to then deal with the noise of this in the early hours of the morning. With more weddings being hosted on weekday evenings (specifically Thursdays and Fridays) in recent months, this has been (at least) a weekly cause of nuisance noise.

Currently, outside drinking in the large garden area isn't monitored heavily enough under the current license of ending at 10pm. When guests have been drinking, their noise level inevitably rises. My son's bedroom is at the back of the property, and overlooks the garden. So to go with the noise of the music, there is also the noise from the garden area to add to it. I sent a video to Mark at the licensing department at SDDC recently after meeting him in the street with the local police licensing enforcement officer, to show him that guests drinking outside in the garden was something that was already a problem after the set curfew, on the particular occasion, guests from a wedding were outside in the garden until 10:30pm at the earliest. I have myself been with friends at Amalfi White, and we have sat in the garden to see the time we were asked to leave. I walked straight out of the garden, through the bar, and to 46 Derby Road (Amalfi is 50 Derby Road) and it was 10:20pm when I arrived home. Regularly during the summer we have been unable to have the windows open in the evening due to the noise which prevented my son being able to get to sleep. He is 7 and has just started in year 3 at the local school. I am concerned as Christmas approaches that the party season will impact on him and his ability to sleep if amalfi are allowed to increase their drinking and entertainment hours.

Guest noise as they leave Amalfi White is incredibly inconsiderate. I appreciate that there is another pub across the road (The Alma), however, the noise largely comes from this side of the road, and again, because it is less than 10m from my house to their front door, it is very loud. They also hang around the door as they

wait for taxis and designated drivers to fetch their cars (as Amalfi White has no parking facilities) which can mean that groups congregate late at night. Because most have had a drink, their consideration levels are reduced as are their inhibitions with the language that is used. I am often woken up by people leaving the bar at night, or have to go to bed with the TV on in an attempt to drown out the infuriating inconsideration (and nuisance noise) shown to the fact that the bar is in a residential area, and there is no doorman employed to move people on or to encourage consideration. I have called 111 to report the noise when it has been bad, only to be told there is nothing that can be done, and that I would have to contact environmental health at SDDC to report the level of noise. I did do this.

Not only do we have to cope with noise directly from the establishment late at night, we also have to put up with the noise in the early mornings because of their waste collection service. At 6.45am on the Saturday that has just past (and regularly on Saturday mornings before 7am) Veolia, the waste disposal service Amalfi white hires, came to empty their bottle bins, so we get the noise at both end of the day and is becoming unbearable, day or night, we cannot escape it.

Based on current practice, the level of noise already, and the inevitable increase to the amount of entertainment and duration of drinking time that the applied change would entail, I believe that that current problems would only increase. The proprietor needs to appreciate that Amalfi White is in a residential area, not in a city centre. The increase to the length of drinking, and potential entertainment capabilities would virtually give the premises a similar vibe to a high end club, but in a village/small town locality, which I do not believe would be appropriate.

If this were to go ahead, I would indeed be re-contacting the SDDC environmental health department to begin a noise monitoring programme. I believe I am a sensible, level-headed resident in Melbourne, and appreciate that living near a bar and pub brings a degree of noise (especially when you factor in the conservation area issue as well). I am not someone who has ever wished to complain about the noise because of this. However, with the recent increase to the frequency of the events at Amalfi, I believe making such changes would go beyond what would be deemed acceptable, and what someone should be willing to "put up with". My house would be like a hotel suite in close proximity to the entertainment venue on a holiday resort, instead of a terraced cottage in the centre of a Melbourne. I know that neighbours have also said that they would consider moving because of it, which would be a huge shame that residents believe the only option they have is to move house as a means of achieving a peaceful home environment in the evenings and at weekends. None of the residents living in the cottages that run alongside Amalfi White have been approached regarding the changes to the license and we certainly do not welcome the changes that are being proposed

Yours sincerely  
Gemma Holden

46 Derby Road  
Melbourne  
Derby  
DE73 8FE

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**Tucker Faye**

---

**From:** Dan K >  
**Sent:** 08 September 2016 20:22  
**To:** Licensing Mailbox; Hewlett Jim  
**Subject:** Amalfi White licensing application

**Categories:** Faye

Dear Sir / Madam,

I am writing with regard to the Amalfi White late-licence application. I have to object on the grounds of Prevention of Public Nuisance. Derby Road is a residential street and in the last year there has already been an appreciable increase in late-night noise from drinkers looking for a last drink at The Alma. At least drinkers leaving the Alma tend to be quiet and respectful. As mentioned during the Alma licensing application the drinkers are local and known to the landlady and therefore she is able to control the rowdiness of the customers.

The Amalfi by contrast sells cocktails to a large number of customers, most of whom will not be known to the staff. Could you please explain to me how the Amalfi plans to control the noise of its customers when they leave? Currently, these customers are not quiet and respectful when leaving. Extending the drinking hours will only extend the night time hours in which we have to put up with very loud and often drunk customers leaving the Amalfi.

Yours,  
Daniel And Sarah Knappett  
49 Derby Rd  
Melbourne

**Tucker Faye**

---

**From:** Steve Spear  
**Sent:** 12 September 2016 10:53  
**To:** Licensing Mailbox  
**Subject:** Amalfi White  
**Attachments:** Amalfi White.docx

**Categories:** Faye

Please find attached my comments and objections regarding the application for licence variation by Amalfi White

Steve Spear

Sent from my iPad



**1 South Street  
Melbourne  
Derby  
DE73 8GB**

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

12th September 2016

**Amalie White - Variation of Premises Licence**

With regard to the current application to vary the licence conditions for the Amalfi White, Derby Road, Melbourne I offer the following comments and objections.

I fully support that in general the licensing conditions should be similar to those imposed on the Alma Inn. As far as I can see some of the extended hours requested exceed those imposed on the Alma Inn. I would also anticipate that the limitations on the leakage of noise and the levels of the sound limiter will be the same.

The request to extend the times for live music 24 times a year seems excessive but again this needs to be in line with the Alma Inn.

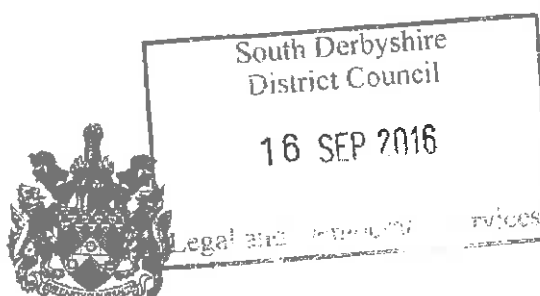
It's a bit ambiguous but if they are requesting an extension to 0300 on Christmas Eve and New Years Eve again this seems excessive but needs to be in line with the Alma Inn.

My last point is a firm objection to again an ambiguous statement about drinking in the front of the building. If they are asking that drinking is allowed outside of the front of the building until 2300 I would ask the Licensing Committee to consider that the front door opens to a very, very small area and that drinkers will spill out on to the pavement and a very busy street. The potential for obstruction is obvious and the lack of a line of sight from the bar would make it impossible for the licence holder to supervise drinking and behaviour.

I believe that I can speak at the hearing and would like to give notice that I may wish to exercise that right.

Yours sincerely

**Steve Spear**



## SOUTH DERBYSHIRE DISTRICT COUNCIL

### Licensing Act 2003

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

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Your personal details **will** be redacted in the Licensing and Appeals Sub-Committee report.

An 'other person' can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

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

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

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

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In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Licensing Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	JAN SMITH	
Address:	THE FLAT 61, DERBY ROAD MELBOURNE	PLEASE REMOVE ADDRESS DETAILS IF STATEMENT TO BE READ IN PUBLIC
Postcode:	DE73 8FE	
Tel:		
E-mail:		

Please confirm the name and address of person, represented person or business affected, if different from the address given above i.e. this could be a shop premises in the vicinity but you do not live at the shop premises.

Name:	/
Address:	
Postcode:	

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

Name of Applicant:	ELIZABETH DEVEY SMITH
Address of Premises	AMALFI WHITE 50 DERBY ROAD MELBOURNE DE73 8FE
Application Details:	EXTEND OPENING HOURS TO BE IN LINE WITH ALMA INN. EXTEND TIME IN WHICH GARDEN OPEN FOR DINING

Please give details of your representation and evidence supporting your representation in the box below. Indicate which of the licensing objectives your representation refers to by ticking the relevant box/es:

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

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

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

### **Details of representation (please use additional sheets where necessary)**

#### **1. The provision of late night refreshment until 1am and 1.30am on Friday and Saturday to be in line with the Alma Inn.**

Amalfi White cannot be compared to the Alma Inn for the following reasons:-

- Not aware of any noise or disturbance from patrons leaving the Alma in the early hours of the morning, there are numerous disturbances at Amalfi.
- The Alma has an off road car park making noise from cars and taxis minimal. Amalfi has no car park, does not have the capacity to accommodate large numbers of vehicles. All vehicles park on the street and taxis sit revving their engines in the early hours parked outside residential properties.
- The entrance to the Alma is off road again minimising noise and disturbance on the street. The entrance to Amalfi is on the street with patrons leaving causing noise disturbance with loud drunken behaviour until well after 1am.
- The smoking area at the Alma is off road, at Amalfi patrons smoke and drink at the front of the building causing noise disturbance into the early morning hours.
- The Alma has clear notices outside stating no drinks outside after 10.30pm and a large notice in the car park requesting that patrons consider neighbours.
- The numbers of people leaving the Amalfi in the early hours is far greater than those leaving the Alma.

#### **2. The provision of live music 10.00 – 23.00**

- Live music never ends at 11pm and goes on much later.
- It is played with the doors open. The sound limiter is obviously not working as music can clearly be heard on the street and surrounding properties therefore having an impact on local residents.

#### **3. Other Points**

- The business is not run in a manner considerate to the needs of local residents. Melbourne is a quiet village not a party town, there should not be a need for such late opening hours.
- There is no police presence at the end of events so would question if police are informed.
- There does not appear to be a dispersal policy as have on occasions have seen between 10 and 20 people spilling out onto the street at the same time.
- Not aware of any member of staff acting as noise control officer, have never heard anyone creating a disturbance being told to be quiet.
- Patrons do not leave in an orderly manner and do not appear to be monitored on how much they are drinking as have seen people staggering from the building.
- Many events do not benefit the community of Melbourne as a high percentage of patrons are shipped in and out by taxi causing noise disturbance in front of the building while waiting for taxis.
- There is often disturbance sometimes after 1am from men removing equipment when events have ended. It would be more considerate if equipment was collected the following morning.

#### **Details of representation continued.**

- If the licensing hours are extended and the building remains open 30 minutes past the terminal licensing hour this would mean that patrons would not be leaving until 1.30 – 2am meaning the street would not be quiet until well after 2.30 am this is totally unfair to residents who have work the following day and are wanting to sleep. In some areas of the country bars and restaurants located in residential areas close at 11pm out of consideration for neighbours.

#### **4. Recent examples of noise disturbance.**

There are many more as this is an ongoing problem.

- Saturday 27 August – Amplified loud music played with doors open could clearly be heard in street and surrounding properties. Patrons smoking/drinking outside front door, street noise until early hours of morning.
- Sunday 28 August – Wedding party – Loud music, shouting, screaming and loud drunken behaviour from guests outside front door all evening and into the early hours. Double decker bus arrived at 12 am to collect guests, parked at front of building with engine revving until 12.45am when guests left causing noise disturbance.
- Friday 9 September – Wedding party – Loud music and loud drunken behaviour from guests. Guests smoking and drinking in street. Street noise until after 1.15am. Car horns sounding into the early hours. Door banged constantly from 12.am.

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

- Run the business with consideration to the local residents.
- Contain all noise both music and from patrons within the building.
- Stop patrons from smoking and drinking on the street and provide a smoking area at the rear of the building.

Once the Licensing Section has received this form you will receive a written acknowledgement. Your representation will be forwarded to the applicant and/or their representative who may contact you in order to discuss your representations.

This form must be received by the Licensing Authority within the statutory representation period.

Signed: ..... JS Smith .....

PRINT NAME: JAN SMITH .....

Date: 13/9/16 .....

Please return this form to the following address:

South Derbyshire District Council  
Licensing Section  
Civic Offices  
Civic Way  
SWADLINCOTE  
DE11 0AH

Or by email [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)

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

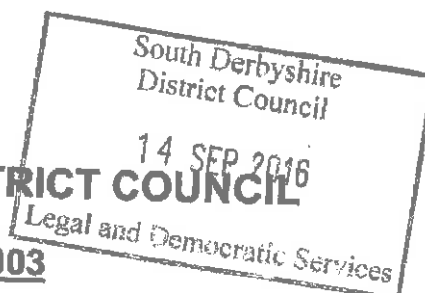






# **SOUTH DERBYSHIRE DISTRICT COUNCIL**

## **Licensing Act 2003**



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

**Note:** Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

You may request that the Licensing Authority withholds some or all of your details, however, the withholding of details will only be considered in exceptional circumstances where the Licensing Authority believes there to be a genuine and well-founded fear of intimidation. Any person who wishes the Licensing Authority to consider withholding their details is advised to contact the Licensing Department prior to submitting this form.

Your personal details will be redacted in the Licensing and Appeals Sub-Committee report.

An 'other person' can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

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

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

☒  
☐  
☐  
☐

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

1. The Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority. This period is reduced to 10 working days for minor variations applications.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Licensing Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	JUDITH BARON
Address:	36, DERBY ROAD MEWBOURNE
Postcode:	DE 73 8FE
Tel:	
E-mail:	

Please confirm the name and address of person, represented person or business affected, if different from the address given above i.e. this could be a shop premises in the vicinity but you do not live at the shop premises.

Name:	As above
Address:	
Postcode:	

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

Name of Applicant:	Elizabeth Daisy Smith
Address of Premises	Amalfi White, 50 Derby Road
Application Details:	Extension of licensing hours LAPRE0287

Please give details of your representation and evidence supporting your representation in the box below. Indicate which of the licensing objectives your representation refers to by ticking the relevant box/es:

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

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

I am objecting to the extension of the licensing hours on the grounds that this will cause additional public nuisance to that which already exists.

Already the local residents have late night customers talking loudly and smoking and banging car doors until well after midnight. Cigarette ends, bottles and cans are frequently left on my front drive.

It is a relief when the loud music stops and it is distressing to think this will continue into the early morning.

The Victorian terrace houses and my converted terrace bar feels the vibrations from the bass music and my bar shudders. In a conservation area it should be protected from such events. The old Public Hall may have had a licence for drink & dancing but the 21 experience of such is very different. Please do not add to our concerns. Apart from this I wish the Council well!

Once the Licensing Section has received this form you will receive a written acknowledgement. Your representation will be forwarded to the applicant and/or their representative who may contact you in order to discuss your representations.

This form must be received by the Licensing Authority within the statutory representation period.

Signed: ..... *Leith R. Barrow* .....

PRINT NAME: ..... *JUDITH R. BARROW* .....

Date: ..... *September 12<sup>th</sup> 2016* .....

Please return this form to the following address:

South Derbyshire District Council  
Licensing Section  
Civic Offices  
Civic Way  
SWADLINCOTE  
DE11 0AH

Or by email [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)



**Tucker Faye**

---

**From:** James Tranter  
**Sent:** 16 September 2016 18:05  
**To:** Licensing Mailbox  
**Cc:** James Tranter  
**Subject:** Application for extended hours @ Amalfi Whites Melbourne  
  
**Categories:** Faye

Dear Sir/Madam,

I wish to appeal against the application for extended premise licence for E.H Devey Smith for the business Amalfi White Limited located at 50 Derby Road, Melbourne, DE73 8FE.

I wish to prevent it on the grounds of

1. Prevention of Crime & Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from Harm

Currently they can have anywhere up to 4 consecutive nights of live music (Thursday through to Sunday) which goes on until midnight. We are then kept awake by the music and also whilst guests and taxis leave followed by the the glass bins are being emptied. Therefore extending the drinking time for another hour means a further hour without sleep. Both my partner and I work during the week and bank holidays, this requires us to wake at 6am.

There has also been disturbances with some guests leaving the premises. Mainly shouting/singing but occasionally more aggressive acts.

While we have no children ourselves, both our direct neighbours do and we feel that some of this behaviour and noise is grossly unsuitable for them to hear.

I believe their current licence suits the needs of the local community and the business itself, and we feel strongly that an extension would be of particular detriment to the neighbourhood; to a healthy standard of living free from fear of abuse, excessive noise and destruction of property.

My contact details are as follows:

James Tranter  
52a Derby Road, Melbourne.  
DE73 8FE

Regards

James Tranter  
16/9/2016



**Tucker Faye**

---

**From:**  
**Sent:** 14 September 2016 22:05  
**To:** Licensing Mailbox  
**Subject:** Amalfi White objection  
**Attachments:** Amalfi White objection signed petition.pdf; Amalfi White license representation.pdf  
**Categories:** Completed, Faye

Dear Sir/Madam,

Please find the attached file showing our objection to the Amalfi White's proposed changes to their license agreement.

I have also attached the supporting list of signatures obtained from local residents.

I have uploaded 5 videos to your sharefile tool. Please let me know if you have had any problems in receiving these and I will endeavour to re send them.

Kindest regards

Henry Hudson



2 South Street  
Melbourne  
Derby  
DE73 8GB  
10/09/16

Dear Sir/Madam,

We are writing to express our objections regarding the proposed alterations of the license agreement between yourselves and the Amalfi White on Derby Road, Melbourne.

In their proposal they have identified current conditions opposed on the license which they believe could be removed as a consequence of the variation they are seeking and described the steps they intend to take to promote the four licensing objectives. We believe that for the reasons stated below and the accompanying evidence, the proposed changes to the current license are detrimental to members of the local community and places local residents, especially children and those with special requirements not only at a disadvantage but in some instances at risk of harm.

#### **Licensing objectives**

##### **1. The prevention of crime and disorder**

- Owning a property within the vicinity of Amalfi White, we have experienced multiple episodes of littering within the boundary of our property. This has consisted of wine and beer bottles, easily identified as brands served within the establishment.
- Whilst Amalfi White describes themselves as providing a family environment, we find it inconceivable that the proposed change in licensing will appeal to families and is far more likely to attract a younger clientele and encourage increased consumption of alcohol therefore leading to an increase in anti-social behaviour.
- We have witnessed antisocial behaviour on numerous occasions, including physical violence, verbal altercations, an example of some of the language we have to listen to can be heard in attached video ((Friday\_video\_argument)), recorded on Friday 09/09/16 at around 2330), urinating on public property and extreme noise disturbance. At no time have we witnessed any staff member attempting to deal with any of these situations despite all occurring at the front of the building during antisocial hours. The application states that CCTV is present outside the building but we have never witnessed any staff members attempting to diffuse or manage any of the above situations. The license application states that Amalfi White are proposing to reduce staff training with regards criminal activity and vigilance in its prevention. We find this extremely concerning given the likelihood that the frequency of criminal activity and public disorder will increase with the increased number of patrons.
- Further to this, it has recently been reported there is an increase in local drug use and drug related criminal offences. Local newspapers have recently contained articles from local police asking for increased and continued vigilance in response to an increase in drug related charges being brought against people found committing criminal activities within the Melbourne area. It is highly concerning that this is occurring at a time when the Amalfi White proprietors are proposing to reduce staff training with regards dealing with this particular area of the law.

- We have had to complain personally on multiple occasions to the manager on duty at the Amalfi White about antisocial behaviour by patrons leaving the premises. Since making these complaints we have seen no improvement, although management assured us this would be prevented in future. Therefore the statement in section 16d that a dispersal policy is in place to ensure smooth flow of patrons leaving the premises in an orderly fashion appears defunct.
- We commonly find that the legislation regarding parking is violated in regard to our driveway and garage (see Fig 1 (light appears to be on in the photo, however this is a reflection from the flash)). This is of a particular concern to me, working as an equine veterinary surgeon who is at times on 24hr call out and requires access to parking local to my property which we have in the form of a driveway. However on multiple occasion's patrons of the Amalfi White have blocked access to the garage and driveway preventing me from utilising my own property for parking and in the most severe scenario preventing me from providing emergency care which is a critical part of my job. We can be confident that the vehicles parked illegally were owned by patrons because due to our concerns we remained vigilant until the vehicles were moved.

## 2. Public safety

- Due to the rural position of the Amalfi White, we have concerns regarding the likelihood of extended licensing hours leading to an increased likelihood of drink driving due to the difficulty of arranging late night public transport. In our experience, it would appear the majority of patrons are not local due to the number of cars and taxis, transporting people from the premises during unsocial hours.
- Although the application states that smoking areas are provided away from combustible materials and structures, these are within the garden of the property. Due to the garden positioning on the ground floor, commonly, patrons smoke outside the front door, attempting to 'prop' the door open. This results in littering outside the front door and secondary smoke inhalation by the patrons inside. We have seen no attempt by staff members to prevent this happening (see Fig 2, 3 and 4).
- The Amalfi White building is situated opposite a T-junction on the main through road of Melbourne. It is a common occurrence for taxis to be parked waiting for arriving or exiting patrons (see Fig 5 and 6). This increases the risk of traffic related public safety incidents, taxis and cars often parking illegally and obscuring vision for local residents both travelling by automotive transport and on foot.
- There is no provision of parking for customers, thus resulting in an enormous influx of extra vehicles utilising street parking. The village is within a conservation area, due to the style of housing, the majority of residents rely on street parking. It is especially noticeable that on a Friday and Saturday night it is increasingly difficult to park within the local vicinity. This is particularly important to families with children and residents with reduced mobility (such as the residents at 63 Derby Road), which may not be able to park with easy access to their own properties. Families with children find the safety aspect of parking some distance from their own properties very concerning.
- At times, convenient to the Amalfi White, traffic cones or chairs from within the building are placed outside the front of the building to reserve parking space for patrons attending functions such as weddings. Again this reduces available parking for local families in an

already restrictive area and potentially contributes to reduced safety for vulnerable members of the local community when accessing their property.

### 3. The prevention of public nuisance

- Although a sound limiter is stated to be present in the upstairs ballroom, on the frequent occasion that live music is played, this remains audible within local properties despite double glazing.
- Although the license application states that 'the front entrance is encouraged to be used by those waiting for taxis to avoid loitering on the street' this does not appear to occur (see Fig 7 and 8). Patrons commonly congregate in the doorway and outside in the 'front garden' resulting in noise disturbance. We have witnessed no attempt at any time by staff members to prevent or even discourage this behaviour, please see videos attached in email. (20160910\_224509 recorded at around 2245 on Saturday 10<sup>th</sup> September 2016 & 20160910\_232128 recorded at around 2321 on Saturday 10<sup>th</sup> September 2016).

### 4. The protection of children from harm

- By removing the stipulation that all staff must be CRB checked, we believe this will contribute to reduced safety for children entering the property. By their own admission, the proprietors state that they experience a high turnover of staff. It can therefore be assumed that a significant proportion of staff members are not well known to them again increasing the likelihood of reduced safety with regards minors. We would strongly ask that staff members continue to be CRB checked if Amalfi White continues to propose that its target clientele are families.
- Due to lack of control surrounding patrons leaving the premises, we have experienced a large number of incidents whereby abusive language between adults is audible from inside local properties. Whilst not directly physically harmful for children, we would argue that repeat incidents of this nature may be harmful mentally and emotionally for children of local residents.

### Other concerns

We also believe that the approach the owners have adopted to this application has not been transparent. The documentation displayed for members of the public to see at the front of the building does not fully explain the full intention of their application (see Fig 9 and 10). It is concerning that at this early stage in proceedings the owners have adopted an approach of non-disclosure. Given some of the aforementioned concerns it may be right to assume that the proposed steps to promote the licensing objectives will not be followed through to completion.

Current license agreement states no alcohol consumption to occur in front of the building after 2000hrs, with the application to extend this agreement to 2300hrs. Currently the proprietors do not enforce this criteria of the current license (see Fig 11 and 12), again casting doubt on the transparency of their application and agreement to follow licensing legislation if granted.

Current license agreement also states that closing time is to be 0030, however you can clearly see from attached videos (20160911\_005051, recorded at around 0050 on Sunday 11<sup>th</sup> September 2016 & 20160911\_004408, recorded at around 0044 on Sunday 11<sup>th</sup> September) customers had still not left after the closing time of 0030.

Whilst we understand the requirement for business expansion, Melbourne is predominantly an area populated by families. Whilst use of a facility for celebratory functions may be required within this community, use of a licensed establishment with late night licensing is not required. Currently the licensing agreement allows for extension of opening hours and license to serve alcohol up to 6 and 24 times a year respectively. Given the number of residents in the Melbourne area we do not believe there is sufficient demand to extend this for celebratory functions only. Therefore leaving us to conclude that the most significant reason to amend the license is to permit late night alcohol consumption. We do not want a change in license at Almalfi White to set a precedent for further establishments within Melbourne to follow suit thus resulting in the attraction of large groups of people from surrounding communities gathering until the early hours of the morning in a densely populated residential area.

We would like to highlight that the supporting evidence was all gathered between 06/09/16 and 11/09/16, a random sample rather than evidence gathered of the most extreme incidents we have encountered.

Further to our letter, we also attach a signed list of residents who are local to the premises and their proximity to the property is shown in the attached map (see Fig 13). As you can see from the map, there is clear support from all local residents surrounding the premises, who were present to comment.

Kind regards

Henry Hudson & Holly Johnson

Supporting evidence – all times are estimates and are accurate to within 15minutes, please review CCTV footage from the premises to confirm exact time stamp. Dates are all accurate.

Fig 1 – Parking violation by Amalfi White Patron on 06/09/16 @ 2309



Fig 2/3/4 – Door propped open and litter outside, taken at 2157 on Saturday 10<sup>th</sup> September







Fig 5/6 – taxis parked outside, taken at 2310 on Saturday 10<sup>th</sup> September and 0040 on Sunday 11<sup>th</sup> September.

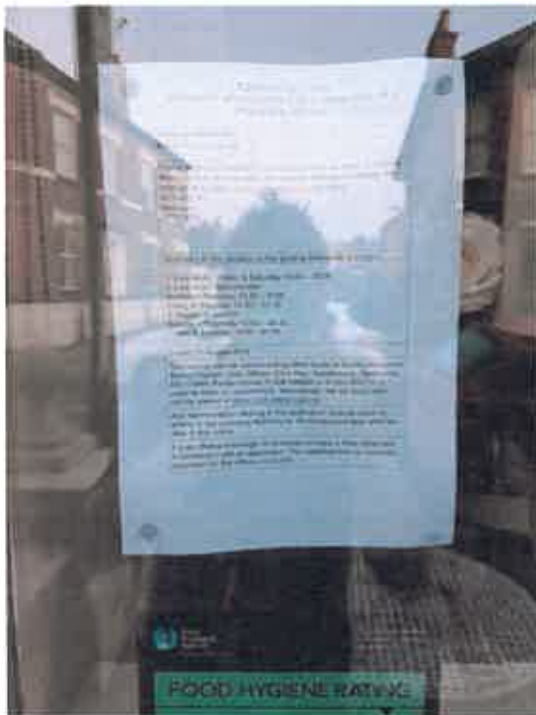


Fig 7/8 – patrons loitering around front door, screenshots from previously mentioned video (20160910\_232128) and photo taken on Friday 09/09/16 at around 2330.





Fig 9/10 – incomplete license changes displayed in window, photo in window taken on Wednesday 14<sup>th</sup> September, photo of license changes online, taken Monday 12/09/16.





Section 1.8 of 17

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Times**

**MONDAY**

Start

End

Start

End

Provide things or let them check  
(e.g. 14:00) and only give them the start  
of the week when you intend the premises  
to be used for the activity

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

State any seasonal variations

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

A late door entry policy will be implemented on Friday and Saturday nights at the premises. The late door entry policy will be 00:30. No more access to the premises will be allowed after this time

Non standard timings where you intend to use the premises to be open to the members and guests at different times than 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

**Fig 11/12 – drinking outside after 2000hrs screen shot of videos (20160910\_224509 & 20160910\_232128)**





Fig 13 – map of residents who signed petition





Please fill in the details if you are in support of the objection to Amalfi Whites proposed license amendments, made by Henry Hudson and Holly Johnson

Name	Address	Signature	Further concerns
STEVE SPORN	1 SOUTH STREET MELBOURNE DERBY DE73 94B	S Sporn	Own letter sent.
Vicky Sporn		V. Sporn	see letter
Gemma Holden	46 Derby Road Melbourne DE73 8FE	G Holden	see objection letter
Heien Dennis	44 OSMYRD Melbourne	N Dennis	see objection letter
J Gatter	38 DERBY MELBOURNE	J Gatter	N/A
Judith Baran	36, Derby Road Melbourne	Judith Baran	I will send a letter
Deborah Smith			see letter
WNEALE WALSH	14 BEECH AVE DE73 8FA	Wneale	N/A
Sally James	16 Beech Ave Melbourne	S James	see letter
Heather Hudson			Parking Noise
DAVID HUDSON			Parking Noise
Rupert Scott-Jones			N/A
Julia Raul	63 Derby DE73 8FE MELBOURNE	J Raul	see letter
HENRY HUDSON	2 SOUTH STREET MELBOURNE	Henry Hudson	N/A



Dear Councillors Patten, Plenderleith and Richards and South Derbyshire Licensing Department,

Thank you for hearing our application for a variation to our existing licensing hours and conditions.

The Liberal Club has been in the heart of Melbourne since the 1890's. In 1956 the club minute book details that the police were called because of disturbances from Teddy Boys. The Liberal Club also used to hold Battle of the Bands - it has always been a live music hall, event venue and bar, serving the local community. Following its refurbishment, it is now a much more conservative restaurant, wedding location and celebration venue. No doubt people are dancing and singing and having fun at the weddings we conduct, but they are all in line with the purpose of the building. Deciding to buy a house or live next to a venue with this purpose should always be taken carefully.

Having read through the objections to our application we have summarised the concerns to be as follows:

1. Rubbish bins being emptied very early in the morning
2. Noise
3. Garden Hours
4. Taxis
5. Bottle Bins
6. Our staff

To address some of the concerns of local residents. We would like to note in detail the actions we have taken.

#### 1. Rubbish Bin Emptying

Amalfi White's bottle and bin collection is arranged by Rainbow Waste. In September 2015 until February 2016 they sub contracted the Melbourne run to Veolia who changed the collection time without approval from us to early in the morning. When we discovered this we complained to Rainbow Waste who have since fired Veolia and now collect, on our instruction, after 9am to ensure local residents and children particularly are not disturbed.

#### 2. Noise

In our policies and procedures and in anticipation of this application we have a Duty Manager assigned to be the Environment Control Officer at every event, Friday or Saturday night to specifically control noise from 11pm. They also try to ensure guests waiting for taxis stay indoors and those leaving the venue do so respectfully.

We have had no police complaints. Ever. Environmental Health have also never had any log sheets returned regarding noise. Thankfully because of that, we have their support, as they have ours.

#### 3. Garden Hours

Guests do stay and eat and drink and smoke in the garden. Typically it gets cold by 10, but on occasion in the summer guests do want to stay in the garden later. Those who are smoking only can stay out there... but we do ask all customers to stop drinking by 10 pm outside. The Alma is open outside until 11. We are only asking for a fair equitable ruling.

#### 4. Taxis

We have written to the taxi firms we use (Village Cars and Elite Cars) and have told them under the threat of being fired that they must switch off their engines while waiting. Any other taxi company that visits the venue will be told the same once we have their details.

#### 5. Bottle Bins late at Night

It is another of our policies to not empty the bottle bins after 7pm. Our staff do not do this after this time and we have CCTV evidence to prove this. We have shown this footage to the Licensing officer.

#### 6. Our Staff

Our staff work very hard and are entitled to take their breaks and smoke on our premises. They are extremely considerate and respectful neighbours. Our Head Chef lives in Melbourne just behind the Alma, and our Manager has grown up in Melbourne and still lives in the village.

Amalfi White has many customers who are local, (and many who aren't... but are still very considerate.... It doesn't seem to be a uniquely Melbourne trait) ... who drink cocktails. That is true. Kat and Ben know them all. They are pretty regular even some of those who have objected!

We run a legal and considerate operation. The photos submitted and observations are Amalfi White at our worst, and we consistently do all we can to improve. It really looks pretty tame.

We are glad that both the police and environmental health have no objection to the application as, firstly we have had an excellent record over the past 3 years and secondly the application mirrors most of the Alma Inn's license conditions. We are a good, fair and considerate operation.

One difference between the Alma's current licence and what we ask is that we have live music extension from 11pm until 12 midnight on only Friday and Saturday night. We are currently entitled to this with notice, 24 times a year anyway until 12.30am.

Thank you

Amalfi White Board

## **REPORT TO LICENSING & APPEALS SUB-COMMITTEE**

**Agenda Item: 5**

**Hearing Date: 6<sup>th</sup> October 2016**

Contact Officer: Mark Lomas – 01283 595890

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

<b>Applicants Name</b>	Brobot Petroleum Ltd
<b>Premises Name</b>	Brobot Petroleum Southbound
<b>Address</b>	A38 Southbound Derby Egginton Derbyshire DE65 6GY

#### **1. PURPOSE**

- 1.1 To determine an application to vary a premises licence received by this Authority on the 16<sup>th</sup> August 2016 from Brobot Petroleum LTD. The Application is attached at **(Appendix 1)**.

#### **2. BACKGROUND**

- 2.1 The applicant is seeking a full variation to a premises licence to permit the provision of late night refreshment between the hours of 23:00hrs and 05:00hrs daily. The applicant is also seeking to remove the current conditions referred to in Annex 2 of the premises licence and replace them with a new set of conditions as per the application.

#### **3. APPLICATION DETAILS**

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

Activity	Days	Times
Provision of late night refreshment (Indoors & outdoors)	Monday to Sunday	23:00hrs to 05:00hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.
- 3.3 A plan is attached at **(Appendix 2)** identifying the location of the premises.

#### **4. CONSULTATION RESPONSES**

##### **4.1 Responsible Authorities**

Derbyshire Constabulary	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 3)</b> .
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##### **4.2 Other Interested Parties**

Ruth Topliss	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 4)</b> .
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Brian & Elaine Prince	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 5)</b> .
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Elizabeth Hall	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 6)</b> .
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Susan Bussey	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 7)</b> .
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Alan Bussey	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 8)</b> .
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Adrian Pegg	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 9)</b> .
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#### **5. AGREEMENT BETWEEN PARTIES**

5.1 The applicant has offered and agreed to have conditions requested by Derbyshire Constabulary added to their application shown at **(Appendix 10)**.

5.2 Derbyshire Constabulary have subsequently withdrawn their representation shown at **(Appendix 11)**.

#### **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 appropriate for the promotion of the licensing objectives:
1. Grant the licence in accordance with the application.
  2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
  3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
  4. Reject the 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 actually 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. Application for a premises licence to be granted under the Licensing Act 2003
2. A plan identifying the location of the premises
3. Representation from Derbyshire Constabulary
4. Representation from Ruth Topliss
5. Representation from Brian & Elaine Prince
6. Representation from Elizabeth Hall

7. Representation from Susan Bussey
8. Representation from Alan Bussey
9. Representation from Adrian Pegg
10. Agreed conditions to be added to the Operating Schedule
11. Withdrawal of representation from Derbyshire Constabulary





**South Derbyshire**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)  
 Telephone: 01283 221000

\* required information

**Section 1 of 17**

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

System reference

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

\* Registration number

\* Business name

If the applicant's business is registered, use its registered name.

\* VAT number

Put "none" if the applicant is not registered for VAT.

\* Legal status

Continued from previous page...

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent 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:

☒ An agent that is a business or organisation, including a sole trader

☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

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

\* 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.

**Agent 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 17**

**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 (£)

50,500

### Section 3 of 17

#### 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.

A petrol forecourt store selling a broad range of groceries, household products and alcohol. Situated at Derby Road, Egginton, Derby, DE65 6GY to be varied as follows:

1. To include the provision of late night refreshment between the hours of 2300 and 0500 hours daily.
2. To remove the conditions in Annex 2 of the premises licence.
3. To include in Annex 2 the conditions in boxes b to e of Section 16 of this application.

### Section 4 of 17

#### PROVISION OF PLAYS

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

☐ Yes

☒ No

### Section 5 of 17

#### PROVISION OF FILMS

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

☐ Yes

☒ No

Continued from previous page...
<b>Section 6 of 17</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 7 of 17</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 8 of 17</b>
<b>PROVISION OF LIVE MUSIC</b>
Will the schedule to provide live music be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 9 of 17</b>
<b>PROVISION OF RECORDED MUSIC</b>
Will the schedule to provide recorded music be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 10 of 17</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
Will the schedule to provide performances of dance be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 11 of 17</b>
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>
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?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 12 of 17</b>
<b>PROVISION OF LATE NIGHT REFRESHMENT</b>
Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?
<input checked="" type="radio"/> Yes <input type="radio"/> No

Continued from previous page...

### Standard Days And Timings

#### MONDAY

Start 00:00

End 05:00

Start 23:00

End 24:00

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 00:00

End 05:00

Start 23:00

End 24:00

#### WEDNESDAY

Start 00:00

End 05:00

Start 23:00

End 24:00

#### THURSDAY

Start 00:00

End 05:00

Start 23:00

End 24:00

#### FRIDAY

Start 00:00

End 05:00

Start 23:00

End 24:00

#### SATURDAY

Start 00:00

End 05:00

Start 23:00

End 24:00

#### SUNDAY

Start 00:00

End 05:00

Start 23:00

End 24:00

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations.

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

Continued from previous page...

**Non standard timings. Where the premises will be used for the provision of late night refreshment 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.

### Section 13 of 17

#### SUPPLY OF ALCOHOL

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

☐ Yes

☒ No

### Section 14 of 17

#### 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.

The premises sell alcohol and other age restricted products.

### Section 15 of 17

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

Continued from previous page...

**THURSDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**FRIDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**SATURDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**SUNDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

The conditions in Annex 2 of the premises licence.

The above conditions would be removed as a consequence of the proposed variation.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence



Continued from previous page...

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

## Section 16 of 17

### 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.

b) The prevention of crime and disorder

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. A system will be in place to maintain the quality of the recorded image.
7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity

c) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

**Continued from previous page...**

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other officer on request.

3. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register will be available for inspection by a police officer or other officer on request.

4. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.

## **Section 17 of 17**

### **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](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

Continued from previous page...

\* Fee amount (£)

315.00

## DECLARATION

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

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

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

\* Full name

WINCKWORTH SHERWOOD LLP

\* Capacity

SOLICITORS ON BEHALF OF THE APPLICANT

\* Date

16 / 08 / 2016  
dd mm yyyy

Add another signatory

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

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

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

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

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

## OFFICE USE ONLY

Applicant reference number EMF/36724/5/RPB

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

☐





**South  
Derbyshire  
District Council**

## Premises Licence Part A

Premises Licence Number **LAPRE/0292**

### Part 1 – Premises Details

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

**Brobot Petroleum Southbound  
Derby Road  
Egginton.  
Derby, Derbyshire  
DE65 6GY**

Telephone Number

Where the Licence is time limited the dates

Licensable Activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

**Monday – Sunday**

**00.00hrs – 24.00hrs**

The opening hours of the premises

**Monday – Sunday**

**00.00hrs – 24.00hrs**

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

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

**Date Issued: 23.05.2013**

**Date Last Amended: 02.08.2016**



**Part 2**

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

**Brobot Petroleum Ltd  
Thorpe Road  
Melton Mowbray  
Leicestershire  
LE13 1SG**

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

**1349544**

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

**Sarah Tainton  
44 Fairway  
Branston  
Burton on Trent  
DE14 3EJ**

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

**Reference: PA1119**

**Issued by: East Staffordshire Borough 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 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.
  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,
  - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

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

(e) "Valued 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**

### **The prevention of crime & disorder**

1. Staff will receive training on matters concerning under age sales and general operating policy.
2. There shall be a zero tolerance on drugs within the premises and regular checks by management to prevent the use of drugs by patrons.

### **Public safety**

3. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
4. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.



Agreed conditions added by Derbyshire Constabulary

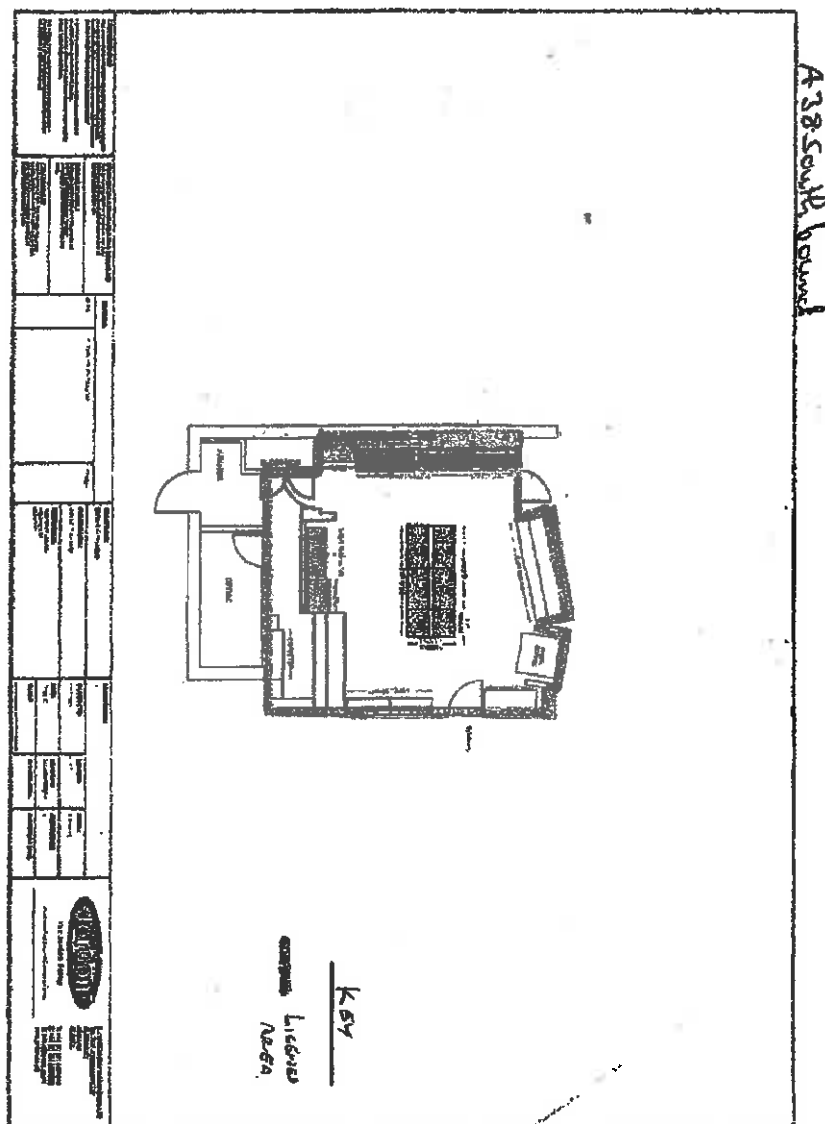
5. A 'Challenge 25' age verification policy will be employed at the premise with regards to the sale of alcohol and other age restricted products.
6. Clear signage in relation to the 'Challenge 25' age policy operated at the premises will be clearly displayed.
7. There shall be signage in relation to the age policy in all areas where alcohol is displayed for sale and at the point of sale; this is to include the 'night pay hatch'.
8. Any person who appears to be under the age of 25 years of age will be required to provide suitable proof of age before any alcohol is sold to them. When the 'night pay hatch' is in use the identification must be requested and recorded prior to the operator selecting the required alcohol from display.
9. This proof of age will be in the form of;
  - Photo driving licence
  - Current passport
  - Ministry of Defence identity card or
  - Government approved 'PASS' identification card scheme
10. Any requests / refusals in relation to the sale of alcohol will be entered in the refusals book or register kept for this purpose. These registers shall be kept on the premises for a minimum period of 1 year and will be produced upon request to a Police Officer or person as detailed within Section 13 of the Licensing Act 2003.
11. Full training is to be provided by the Designated Premises Supervisor or nominated deputy to all staff involved in the sale of alcohol, on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. This training shall include the timings that the 'night pay hatch' is in operation.
12. Refresher training will be provided to those employees referred to in paragraph 7 at regular intervals (At least once every six months). Written records detailing the training will be kept on the premises for production to a constable or an authorised person as detailed within Section 13 of the Licensing Act 2003 upon request. These records shall be retained on the premises for a minimum of 1 year.
13. Any authorisation to sell alcohol will be in writing and this will be kept on the premises at all times. This authorisation is to be signed by ALL staff and counter signed by the Designated Premises Supervisor.
14. The Premises Licence holder/Designated Premises Supervisor shall as far as possible ensure that no consumption of alcohol will be permitted within the immediate vicinity of the premises. Signage advising customers of this fact shall be displayed both at the point of sale and the main facade of the building.

15. The premises licence holder shall ensure that alcohol is stored at the premises in such a way that it is secured and that only authorised members of staff who are over the age of 16 have access to the alcohol stored. This condition shall not apply to the retail area of the licensed premises as edged red on the approved plan.
16. Where the premises licence holder employs, whether paid or unpaid, any person, involved in the sale or supply of alcohol, that person shall have received training that must include confirmation that the employee has read and understood any conditions attached to the premises licence.
17. The employee referred to in paragraph 12 above shall be aware of the requirements / policies of restricting any sale of alcohol to those persons aged 18 and over. This training shall be signed by the person providing the training and the trainee.
18. CCTV must be operated at all times when the premises are open to the public for licensable activities.
19. All CCTV recordings must be retained for a minimum of 31 days. These images must be available for viewing at any reasonable time (48hrs) upon request of a Police Officer or another authorised person as detailed within Section 13 of the Licensing Act 2003.
20. A CCTV system shall be installed and the recording system must be maintained in good working order and any faults repaired as soon as possible. The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
21. Installed CCTV cameras / monitors are to be positioned so as to ensure all areas to which the public have access are covered. This is to include the 'night pay hatch'.
22. All digital recordings to be made in real time, time lapse not to be used; the recordings will be fit for the purpose (for the avoidance of doubt, the image must be clear and in focus). The system must be able to export recorded images to a removable means such as a CD / DVD and have its own software that shall enable playback / review on site.
23. The DPS shall ensure that an incident log is maintained within the premises and details of all known incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
24. Suitable and sufficient written risk assessments covering 'lone working' for the Venue shall be kept up to date and shall be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
25. A nationally approved monitored alarm system covering the premises with panic button facility shall be installed, maintained and working at all times the premises are open.

26. ALL sales / transactions shall be conducted through the 'night pay hatch' between the hours of 2200hrs – 0500hrs. No customers shall be allowed access to within the building between these hours.

### Annex 3 – Conditions attached after Hearing

### Annex 4 – Plans







# South Derbyshire District Council

## Premises Licence Summary

### Part B

Premises Licence Number **LAPRE/0292**

#### Premises Details

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

**Brobot Petroleum Southbound  
Derby Road  
Egginton  
Derbyshire  
DE65 6GY**

Telephone Number

Where the Licence is time limited the dates

Licensable Activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

**Monday – Sunday 00.00hrs – 24.00hrs**

The opening hours of the premises

**Monday – Sunday 00.00hrs – 24.00hrs**

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

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

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

**Brobot Petroleum Ltd  
Thorpe Road  
Melton Mowbray  
Leicestershire  
LE13 1SG**

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

**1349544**

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

**Sarah Talnton**

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

Signed:

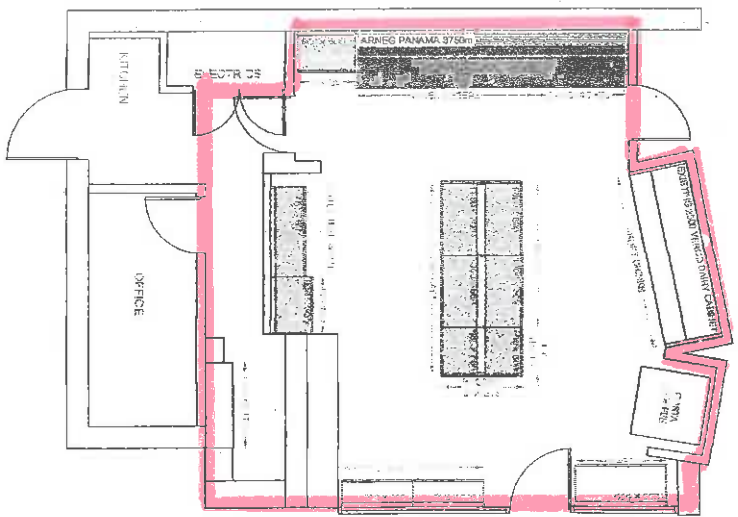
Frank McArdle, Chief Executive

Date:

2 August 2016



B1025T  
A38 South bound



KEY

Licence  
AREA.

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CLIENT NAME:

PROJECT NAME:

STP ADDRESS:

DATE:

BY:

FOR:

DESIGN NAME:

DESIGN NO.:

DESIGN DATE:

DESIGN BY:

DESIGN FOR:

DESIGN NO.:

DESIGN NAME:

DESIGN NO.:

DESIGN DATE:

DESIGN BY:

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DESIGN NO.:

DESIGN DATE:

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DESIGN FOR:

DESIGN NO.:



THE JORDON GROUP

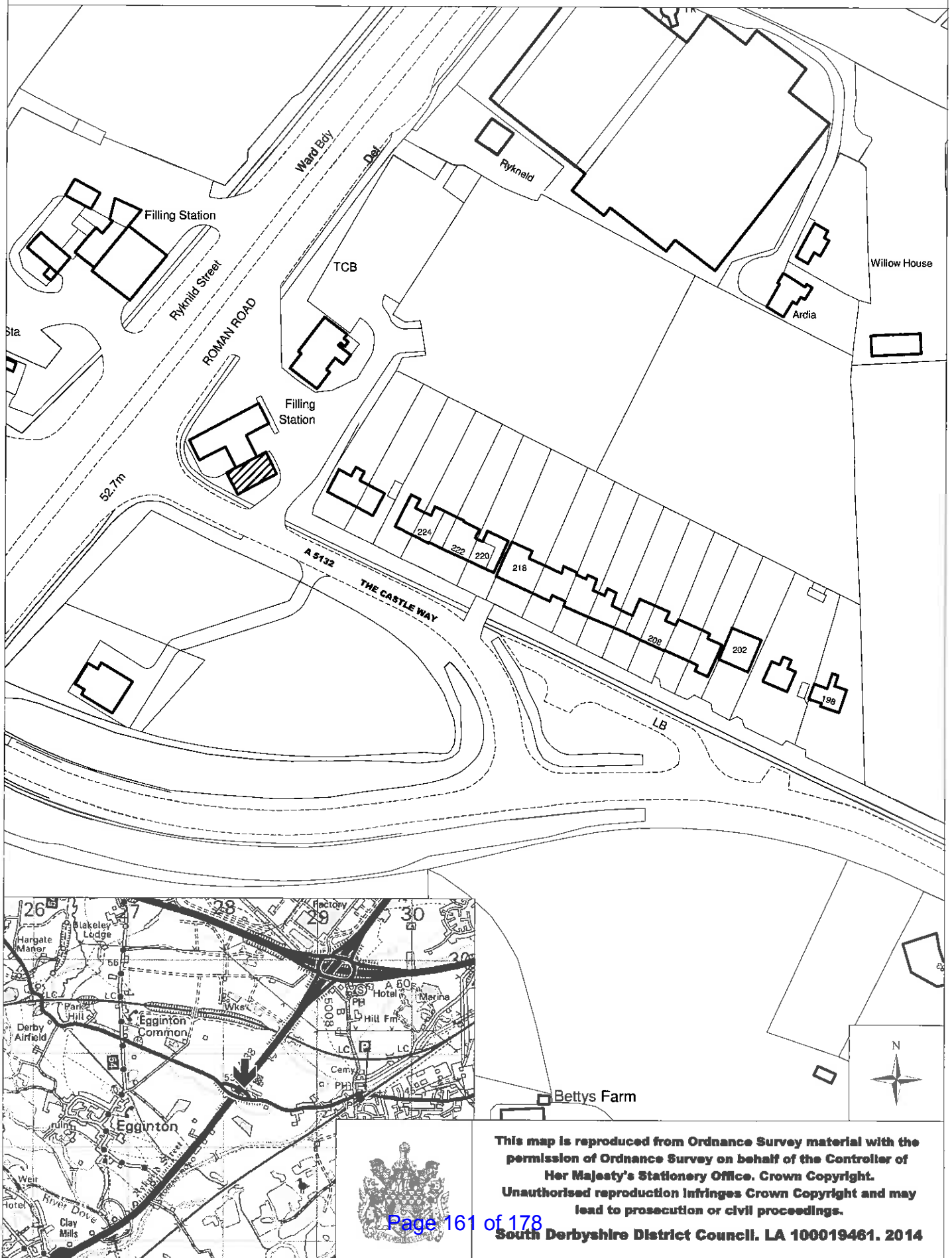
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**Brobot Petroleum Southbound, A38 Southbound, Derby Road, Egginton,  
Derbyshire DE65 6GY**



**SOUTH DERBYSHIRE DISTRICT COUNCIL**  
**Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

**Responsible Authority** (please delete as applicable):

Police / Fire / Environmental Protection / Health and Safety / Child Protection / Trading  
Standards/ Planning Authority / Licensing Authority / Health Authority

<b>Name</b>	Mark Dunn
<b>Job Title</b>	Police Licensing Enforcement Officer PC2013
<b>Postal and email address</b>	Derby Divisional HQ St Marys Wharf Derby DE1 3AB
<b>Contact telephone number</b>	0300 122 5408

<b>Name of the premises you are making a representation about</b>	Brobot Petroleum, A38 Southbound,
<b>Address of the premises you are making a representation about</b>	Derby Road, Eggington, Derbyshire, DE65 6GY

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	yes	The conditions offered initially by the applicant are not adequate if as requested they replace the existing conditions.
<b>Public safety</b>	yes	The conditions offered initially by the applicant are not adequate if as requested they replace the existing conditions.
<b>To prevent public nuisance</b>	yes	The conditions offered initially by the applicant are not adequate if as requested they replace the existing conditions.
<b>To protect children from harm</b>	yes	The conditions offered initially by the applicant are not adequate if as requested they replace the existing conditions.

<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	<b>I would ask that the attached conditions at appendix 1 are considered by the Licensing Sub Committee in an effort to give the responsible authorities the confidence that the licensing objections are indeed being promoted satisfactorily.</b>
---	---

Signed:



Date: 4<sup>th</sup> August 2016

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlow, Derbyshire, DE11 0AH or email to [licensing@south-derbys.gov.uk](mailto: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

## **APPENDIX 1**

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
  2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.
  3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
  4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
  5. The system will display, on any recording, the correct time and date of the recording.
  6. A system will be in place to maintain the quality of the recorded image.
  7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
  8. The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
  9. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
  10. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photo card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
  11. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
    - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
    - Refresher/reinforcement training at intervals of no more than 6 months.
- Training records will be available for inspection by a police officer or other officer on request.
12. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
    - details of the time and date the refusal was made;
    - the identity of the staff member refusing the sale;
    - details of the alcohol the person attempted to purchase.

This book/register will be available for inspection by a police officer or other officer on request.

13. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.

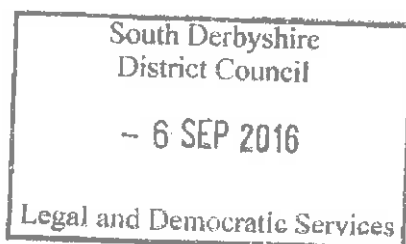
14. The entrance door to the shop will be closed to customers between the hours of 2200 and 0500. Any sales between these hours will be made through the night pay window.

15. Notices informing customers of the age verification policy adopted at the premises will be displayed at the alcohol display area, the point of sale and at the night pay window.

16. Appropriate written risk assessments covering single staff working at the premises shall be maintained and made available upon request to a police officer or other authorised officer.

17. A monitored alarm system with panic button facility shall be maintained and working at all times that the premises are open.





224, the Castleway,

Willington,

Derbyshire.

DE65 6BW

Sept 4th 2016

Ref:-EMF/36724/5/RPB

Dear Sir/Madam,

I would like to make the following observations/ objections to the above.

I have always understood that the close proximity of a residential area to the site governed the decision to grant planning permission to the garage extension, providing that the shop and petrol pumps were closed down at 23-00 hours. The garage on the north bound A38 was not subject to the same criteria, which has worked very well until now this application has been put forward. Hence the following objections.

There are the all night facilities on the N. bound carriageway, opposite the proposed site change, easily reached by the fly over which would not cause additional problems to the residents, providing that the license is not extended.

The nearby OK Diner car park could become an attractive venue for drinkers and party goers. Should the proposed extension of the license to sell intoxicating liquor and light refreshment be granted it would be an additional noise issue. There are 3 well known public houses in the village which are very popular but it is not unknown for the Police to be called to quell unruly behaviour. Are we, as residents, to be subjected to behaviour problems, not to mention car doors slamming, shouting, revving of engines, car alarms and loud music as already experienced as cars go by with windows wide open and music at full volume?,

Litter, already experienced by The Castleway residents, would no doubt increase. We regularly have to pick up waste products, such as cans and sandwich wrappers thrown from cars or blown out of the garage bins. I feel that the litter would increase should extended hours be allowed with sales of light refreshments as an attraction. It could also attract lorries to not only park for a longer length of time but create a long stay lorry park.

The granting of extended hours would increase the level of passing traffic both in vehicles and on foot past our houses which could result in a threat to our security. There have already been many 'break ins' at the south bound garage and also the north bound, a magnet to those among us with criminal intent. Thieves have broken into some of the nearby houses

leaving the occupants extremely nervous as to their safety.

Thankyou for the opportunity to give my views as a resident who would be badly affected should this application be granted.

Ruth Toplis

Ruth C. Toplis

**Tucker Faye**

---

**From:**  
**Sent:** 02 September 2016 12:37  
**To:** Licensing Mailbox  
**Subject:** Fwd: Ref.EMF/36724/5/RPB

**Categories:** Faye

----- Forwarded message -----

From: "Brian Prince"  
Date: 2 Sep 2016 12:15  
Subject: Ref.EMF/36724/5/RPB  
To: <[licensing@south-derbys.go.uk](mailto:licensing@south-derbys.go.uk)>  
Cc:

Dear Sir

I am writing to you to object strongly to the extra hours variation on License Application Ref. EMF/36724/5/RPB

We live at Castleway and this is a residential area and as such we do not want to be subjected to noise and other problems associated with alcohol 24 hours a day.

The north bound station is open for fuel and drink 24/7, and I suggest that south bound customers who wish to fuel up and drink alcohol at 3am in the morning, continue as now and travel the short distance to the north bound station, which is not situated in a residential area.

I trust you will take these points into account when making your decision, because over the years we have been subjected to more and more noise, and this is I must stress, a residential area.

Kind regards

Brian and Elaine Prince

220 Castleway  
Willington  
Derby  
DE65 6BW



**Tucker Faye**

---

**From:** ELIZEBETH HALL  
**Sent:** 08 September 2016 10:12  
**To:** Licensing Mailbox  
**Subject:** brobot extended hours

Dear Sir /Madam

I am writing to object to Brobots proposal to extend their opening hours of their license from 11 pm to 5am.

The area is next to residential houses

The service station across the road A 38, must have a license which is under the same ownership and is not next to houses

This could create more noise and possible agravation to the residents.

Thank you

regards

Liz Hall 202 Castleway Willington

**Tucker Faye**

---

**From:** Sue Bussey  
**Sent:** 12 September 2016 12:42  
**To:** Licensing Mailbox  
**Subject:** Licensing Application Ref. EMF/36724/5/RPB  
**Attachments:** Southbound extension objection.docx

**Categories:** Completed, Faye

Please find attached comments about Licensing Application Ref. EMF/36724/5/RPB

My comments are based on the facts that this is a residential street and does not warrant the noise of extended opening hours and seems an inappropriate place for purchasing alcohol.

Thank you  
Mrs Susan Bussey  
222 Castleway  
Willington DE65 6BW

This is a response to the application by the A38 Southbound Service Station at Egginton junction to extend the Alcohol off licence from 1100 to 0500, and serve refreshments for 7 days a week.

The Service Station is currently open till 2300, a condition of its original operating licence due to the nature of the area, where it is based, being a residential area. There are a number of residences adjacent to the garage, which will be affected by any decision.

I would like to object to any extension of the opening hours and alcohol licence due to the following:

Potential for increased noise due to vehicle and foot traffic visiting the Service Station to purchase food and beverage during the early hours. The Northbound Service Station is already open 24 hours, and can provide customers with their needs. Access to it from the Southbound is via the flyover at that junction so there is no need for additional services at the Southbound site.

The area is already very noisy at night with the close proximity of the A38, and passing vehicles. However, while vehicle traffic entering and exiting the garage in the early hours would be a major source of extra noise, any foot traffic that it generates would be extremely unwelcome. That foot traffic would have to pass all the adjacent houses and there is the potential for loud talking and shouting. I have personal experience of such incidents on the odd occasion that people are on the street in the area, and it has been very loud, and woken us up. The Northbound, has no catchment area for foot traffic, as there are no nearby houses, and access from Willington would generally mean crossing the A38 on foot, a dangerous thing to do. There is no pavement on the flyover to access the Northbound A38.

There is a clear link between alcohol and instances of Public disturbance, and allowing such an extension in a residential area would lead to the possibility of such instances. There are also risks of increased crime in the area, which does not have a regular Police presence.

Any extra generated traffic into the garage area, either on foot or by vehicle could also lead to increased litter in the area. There is a well known connection between late hours, alcohol, food and litter, as anybody who lives near such places can attest to.

Any one of these observations show this application to be unnecessary and unwarranted in a residential area.

**Tucker Faye**

---

**From:** Andy Bussey  
**Sent:** 12 September 2016 06:52  
**To:** Licensing Mailbox  
**Cc:** sue bussey  
**Subject:** Licensing Application Ref. EMF/36724/5/RPB  
**Attachments:** Southbound extension objection.docx  
  
**Categories:** Faye

Many thanks

Andrew Bussey  
222 Castleway  
Willington  
Derby  
DE65 6BW

eSent from Mail for Windows 10

Application Reference. EMF/36724/5/RPB.

This is a response to the application by the A38 Southbound Service Station at Egginton junction to extend the Alcohol off licence from 1100 to 0500, and serve refreshments for 7 days a week.

The Service Station is currently open till 2300, a condition of its original operating licence due to the nature of the area, where it is based, being a residential area. There are a number of residences adjacent to the garage, which will be affected by any decision.

I would like to object to any extension of the opening hours and alcohol licence due to the following:

Potential for increased noise due to vehicle and foot traffic visiting the Service Station to purchase food and beverage during the early hours. The Northbound Service Station is already open 24 hours, and can provide customers with their needs. Access to it from the Southbound is via the flyover at that junction so there is no need for additional services at the Southbound site.

The area is already very noisy at night with the close proximity of the A38, and passing vehicles. However, while vehicle traffic entering and exiting the garage in the early hours would be a major source of extra noise, any foot traffic that it generates would be extremely unwelcome. That foot traffic would have to pass all the adjacent houses and there is the potential for loud talking and shouting. I have personal experience of such incidents on the odd occasion that people are on the street in the area, and it has been very loud, and woken us up. The Northbound, has no catchment area for foot traffic, as there are no nearby houses, and access from Willington would generally mean crossing the A38 on foot, a dangerous thing to do. There is no pavement on the flyover to access the Northbound A38.

There is a clear link between alcohol and instances of Public disturbance, and allowing such an extension in a residential area would lead to the possibility of such instances. There are also risks of increased crime in the area, which does not have a regular Police presence.

Any extra generated traffic into the garage area, either on foot or by vehicle could also lead to increased litter in the area. There is a well known connection between late hours, alcohol, food and litter, as anybody who lives near such places can attest to.

Any one of these observations show this application to be unnecessary and unwarranted in a residential area.

**Tucker Faye**

---

**From:** Kate and Ade <  
**Sent:** 12 September 2016 12:39  
**To:** Licensing Mailbox  
**Subject:** Re Application by Brobot Petroleum to extend opening hours of Service Station A38 Southbound

**Categories:** Completed, Faye

Dear Sir/ Madam,

I wish to object to the above application.

As a resident who lives in close proximity to the above premises, I believe that should the above application be successful, there will be increased vehicle movements contributing to night time noise pollution for us and the other residents. We already live in an area of high noise levels, but these are currently reduced somewhat after the garage closes at night. In addition to this, there would also be the possibility of increased anti-social behaviour by people on foot walking to and from the garage late at night to purchase alcohol. I also believe that this application is unnecessary as the Northbound A38 garage operated by the same company already is open 24hrs and has a licence to sell alcohol. For anyone travelling by car, it is a very short drive over the bridge to access it. It is also clearly visible to anyone travelling Southbound on the A38.

I believe that should this application be successful, our quality of life would be degraded as a result.

Yours sincerely,

Adr

ian Pegg

**Licensing Act 2003  
Premises Licence Application – Brobot Petroleum  
Southbound A38, Derby Road, Egginton, DE65 6GY  
Notification to Local Authority of agreement regarding  
Representations**

To: Licensing Authority Office

Date:

Dear Sir/Madam

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

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

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. A system will be in place to maintain the quality of the recorded image.
7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
8. The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
9. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
10. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

11. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other officer on request.

12. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register will be available for inspection by a police officer or other officer on request.

13. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.

14. The entrance door to the shop will be closed to customers between the hours of 2200 and 0500. Any sales between these hours will be made through the night pay window.

15. Notices informing customers of the age verification policy adopted at the premises will be displayed at the alcohol display area, the point of sale and at the night pay window.

16. Appropriate written risk assessments covering single staff working at the premises shall be maintained and made available upon request to a police officer or other authorised officer.

17. A monitored alarm system with panic button facility shall be maintained and working at all times that the premises are open.

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

Signed..... Name in block .....

Date.....



**Licensing Act 2003**  
**Premises Licence Application – Brobot Petroleum, A38**  
**Southbound, Derby Road, Eggington**  
**Notification to Local Authority of agreement regarding**  
**Representations**

To: Licensing Authority Office

Date: 12/09/2016

Dear Sir/Madam

I write in my capacity as a Licensing Enforcement Officer for the Derbyshire Police Constabulary.

Discussions have taken place regarding the application in relation to the promotion of the licensing objectives.

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

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
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6. A system will be in place to maintain the quality of the recorded image.
7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
8. The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
9. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
10. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photo card driving

licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

11. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other officer on request.

12. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register will be available for inspection by a police officer or other officer on request.

13. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.

14. The entrance door to the shop will be closed to customers between the hours of 2200 and 0500. Any sales between these hours will be made through the night pay window.

15. Notices informing customers of the age verification policy adopted at the premises will be displayed at the alcohol display area, the point of sale and at the night pay window.

16. Appropriate written risk assessments covering single staff working at the premises shall be maintained and made available upon request to a police officer or other authorised officer.

17. A monitored alarm system with panic button facility shall be maintained and working at all times that the premises are open.

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

Signed: 

Name: MARK DUNN Police Constable 2013

Date: 12/09/2016