

STRAW & PEARCE

SOLICITORS

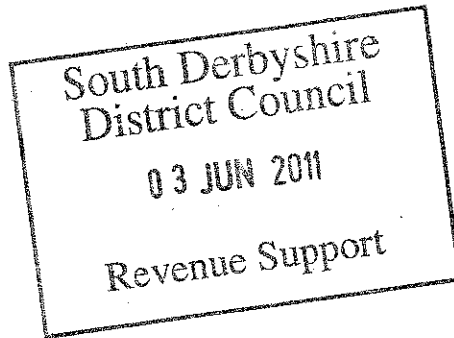
Please ask for: **Mr Philip Pheasey**
 Our ref: PP/SEC/P0263003
 Your ref:

18 Rectory Place
 Loughborough
 Leicestershire
 LE11 1UU

Telephone 01509 268931
 Main Fax 01509 610217
 Property Dept Fax 01509 218697

info@strawandpearce.co.uk
 DX 19601 LOUGHBOROUGH

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

2nd June 2011

Dear Sirs

Sally Warrener
Melbourne View Hotel Station Road Melbourne DE73 8BR

We enclose :-

1. Application
2. Original Licence
3. Cheque.

Yours faithfully,

STRAW & PEARCE
ppheasey@strawandpearce.co.uk

Criminal
 Defence Service



Partners

Robert E Severn Ltd David T Leigh Ltd David C Partridge Ltd
 Rosemary A Thomas Ltd Mark R Wardley Ltd Julie Brown LL.B TEP

Also At: 16 Coventry Road, Hinckley, Leicestershire LE10 0JT

Regulated by The Solicitors Regulation Authority SRA No. 56012

5.

Community
 Legal Service



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We **MRS SALLY WARRENER**

(Insert name(s) of applicant)

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

Premises licence number SDDC/001598

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
MELBOURNE VIEW HOTEL STATION ROAD MELBOURNE DERBYSHIRE			
Post town	DERBYSHIRE	Post code	DE73 8BR

Telephone number at premises (if any)	01332 865353
Non-domestic rateable value of premises	£9600

Part 2 – Applicant details

Daytime contact telephone number	01332 865353		
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

FOLLOWING THE DEMISE OF DONINGTON RACING CIRCUIT AND THE EMERGENCE OF HOTEL CHAINS SUCH AS THE PREMIER INN, RADDISON BLU, AND HOLIDAY INN EXPRESS SMALL INDEPENDENT HOTELS OF THE TYPE WHICH IS THE SUBJECT OF THIS APPLICATION HAVE FACED EXTREME TRADING DIFFICULTIES. THIS APPLICATION IS BEING MADE TO FACILITATE THE DIVERSIFICATION OF THE PREMISES FROM A HOTEL TO A HOTEL AND WEDDING/EVENTS VENUE WHILST RETAINING FEATURES OF THE EXISTING LICENCE.

THE NATURE OF THE PROPOSED VARIATION IS AN INCREASE TO THE TYPES OF REGULATED ACTIVITIES CURRENTLY PERMITTED, AN INCREASE IN THE TIMES AND AN INCREASE IN THE AREA COVERED BY THE EXISTING LICENCE. THE INCREASE IN AREA WILL INVOLVE THE INCLUSION OF A TEMPORARY MARQUEE. THIS MARQUEE IS USED FOR WEDDINGS AND ERECTED AS AND WHEN REQUIRED. IN SOME INSTANCES THE MARQUEE IS ERECTED FOR PROLONGED PERIODS OF, SAY, SEVERAL WEEKS. THE TECHNICAL DETAIL OF THE MARQUEE IS SET OUT BELOW.

Material Dickson's
LAC 650 SL
High tenacity polyester d Tex
PVC Coated, system Lo-Wick Treated, Anti UV and Fungicidal

Tensile Strength: 250/220 daN
Tear Strength: 35/25 daN
Adhesion: 8 daN / 5cm

Temperature Stability: in Celsius -30oC to +70oC
In Fahrenheit -22oF - +158oF

Flame Retardant: BS5438 & M2

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

0

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) SINGERS AND/OR BANDS AND/OR SMALLER MUSICAL ENSEMBLES USING NON AMPLIFIED AND/OR STANDARD AMPLIFIED EQUIPMENT. LIVE MUSIC OUTSIDE WILL BE NON AMPLIFIED		
Mon	10:00	00:00			
Tue	10:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10:00	00:00			
Thur	10:00	00:00	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 (please read guidance note 5)		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music 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) DJ'S PLAYING RECORDED MUSIC THROUGH STANDARD AMPLIFIED EQUIPMENT		
Mon	10:00	00:00			
Tue	10:00	00:00	PLAYING "BACKGROUND" MUSIC USING STANDARD AMPLIFIED EQUIPMENT		
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	00:00			
Fri	10:00	00:00	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 (please read guidance note 5)		
Sat	10:00	00:00			
Sun	10:00	00:00			

G

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

H

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

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> AREAS WITHIN THE PREMISES AND ELECTRICAL SUPPLY FOR PERFORMERS TO PERFORM AND TO POWER AMPLIFIED EQUIPMENT AND LIGHTING (OUTSIDE PERFORMANCE WILL BE NON-AMPLIFIED AND WITHOUT LIGHTS)	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Mon	10:00	00:00		
Tue	10:00	00:00		
Wed	10:00	00:00		
Thur	10:00	00:00		
Fri	10:00	00:00		
Sat	10:00	00:00		
Sun	10:00	00:00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing	
			INDOOR DANCE FLOOR AREAS FOR USE BY PATRONS TO DANCE TO MUSIC PROVIDED	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	10:00	00:00		
Tue	10:00	00:00		
Wed	10:00	00:00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur	10:00	00:00		
Fri	10:00	00:00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	10:00	00:00		
Sun	10:00	00:00		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	23:59	
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	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)
Sat	00:00	23:59	
Sun	00:00	23:59	

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

THOSE CONDITIONS CURRENTLY AFFECTING THE TYPE OF AND TIMING FOR LICENSABLE ACTIVITY (AS THESE ARE SOUGHT TO BE VARIED)

THOSE CONDITIONS IN ANNEX 2 CONSISTENT WITH THE OPERATING SCHEDULE.

Please tick yes

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

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

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

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

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

THOSE ATTENDING THE PREMISES WILL BE PAYING RESIDENTS (INCLUDING ONE OF THEIR PARTY) OF THE HOTEL AND/OR HIRERS OF THE PREMISES AND THEIR INVITATION ONLY GUESTS. SAID PERSONS WILL BE SUPERVISED BY THE APPLICANT AND/OR HER STAFF AT ALL TIMES.

HOUSE RULES WILL BE AVAILABLE IN THE GUEST BEDROOMS AND BE MADE KNOWN TO THE HIRERS.

b) The prevention of crime and disorder

REFERENCE IS MADE TO (a) AND IN ADDITION THE PREMISES WILL BE RUN IN ACCORDANCE WITH THE APPLICANTS OWN RULES, RISK ASSESSMENTS AND IN ACCORDANCE WITH ANY LEGAL AND REGULATORY REQUIREMENTS IN FORCE FROM TIME TO TIME.

c) Public safety

REFERENCE IS MADE TO (a) AND IN ADDITION THE PREMISES WILL BE RUN IN ACCORDANCE WITH THE APPLICANTS OWN RULES RISK ASSESSMENTS AND IN ACCORDANCE WITH ANY LEGAL AND REGULATORY REQUIREMENTS IN FORCE FROM TIME TO TIME.

d) The prevention of public nuisance

REFERENCE IS MADE TO (a) AND IN ADDITION THE PREMISES ARE IN RELATIVE ISOLATION AND AS SUCH THOSE ATTENDING THE PREMISES WILL EITHER BE RESIDENTS OR CONVEYED FROM THE PREMISES BY WAY OF PRIVATE TRANSPORT.

THE APPLICANTS ASSESSMENT INDICATES MINIMAL RISK OF PUBLIC NUISANCE IN THE CIRCUMSTANCES.

e) The protection of children from harm

REFERENCE IS MADE TO (a) AND IN ADDITION REFERENCE IS MADE TO THE FACT THAT THOSE UNDER THE AGE OF 18 WILL BE REQUIRED TO ATTEND WITH THE SUPERVISION OF A PARENT AND/OR GUARDIAN AND/OR THOSE ACTING IN LOCUS PARENTIS BEING IN ATTENDANCE AT ALL TIMES THE MINOR IS IN ATTENDANCE.

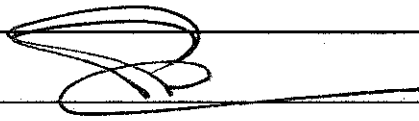
Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	27 th May 2011
Capacity	Solicitor for the Applicant

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

Signature	
Date	
Capacity	

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

PHILIP PHEASEY
STRAW AND PEARCE
SOLICITORS
18 RECTORY PLACE

Post town	LOUGHBOROUGH	Post code	LE11 1UU
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Telephone number (if any)	01509 268931
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
ppheasey@strawandpearce.co.uk

Notes for Guidance

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

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

COPY

Part A

Premise Licence under Licensing Act 2003Premise Licence Number **SDDC / 001598****Part 1 – Premise Details**

Postal Address of premises, or if none ordnance survey map reference of description **Melbourne View Hotel Station Road Melbourne, Derbyshire DE73 8BR**

Telephone Number **01332 865353**Where the Licence is time limited the dates **Not Applicable**

Licensable Activities authorised by the licence

Sale by retail of alcohol for consumption on the premises

The times the licence authorises the carrying out of licensable activities

- a) **On weekdays, other than Christmas Day and Good Friday, 10 a.m. to 11 p.m.**
- b) **On Sundays, other than Christmas Day, and on Good Friday, noon to 10.30 p.m.**
- c) **On Christmas Day, noon to 3 p.m. and 7 p.m. to 10.30 p.m.**
- d) **On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.**

The opening hours of the premises

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

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

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

Part 2

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

Mrs Sally Warrener Melbourne View Hotel Station Road Melbourne Derbys DE73 8BR

Registered number of holder, for example company number, charity number (where applicable) **Not Applicable**

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

Mrs Sally Warrener Melbourne View Hotel Station Road Melbourne Derbys DE73 8BR

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

SDDC/2613 – South Derbyshire District Council

Annex 1 - Mandatory Conditions

Mandatory Conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime & disorder, prejudice to public safety, public nuisance, or harm to children.
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act.
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less:
 - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can be reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reasonable disability)
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. a. The premise licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premise in relation to the sale or supply of alcohol.

b. 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 a holographic mark (1st October 2010).

7. The responsible person shall ensure that-

a. where any of the following alcoholic drinks sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (1) beer or cider: ½ pint;
- (2) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (3) still wine in a glass: 125 ml; and

b. customers are made aware of the availability of these measurers. (1st October 2010)

Annex 2 - Conditions consistent with Operating Schedule

The Prevention of Crime & Disorder

Liquor sales to residents only

Doors are locked at 22.50hrs and throughout the daytime

Public Safety

Fire precautions and certificate

Notification of house rules in guest rooms

The Prevention of Public Nuisance

No provision of entertainment

The Protection of Children from Harm

Hotel will not take any person under the age of 12 as a guest or at a function.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans

DERBYSHIRE COUNTY COUNCIL FIRE AND RESCUE SERVICE	Job No. JFL00014	Plan No. 1/A
Drawn 18.08.94	by M	Estimated Date
Checked 22.10.94	by M	Not to scale

4 OCT 1994

DERBYSHIRE COUNTY COUNCIL
FIRE AND RESCUE SERVICE

① & ② = Heat and smoke detector

⊞ = fire exit signs

⊞ = General fire notices

⊞ = Beam detectors

⊞ = Escape lighting points

⊞ = Fire alarm call points

fire resistant door

fire extinguisher class A

⊞ = fire door

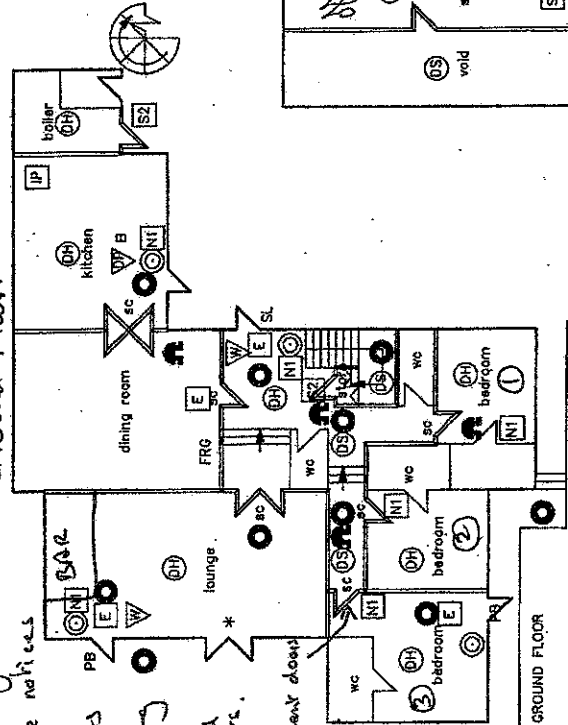
⊞ = Class B Dry Powder exting.

⊞ = Available warning device

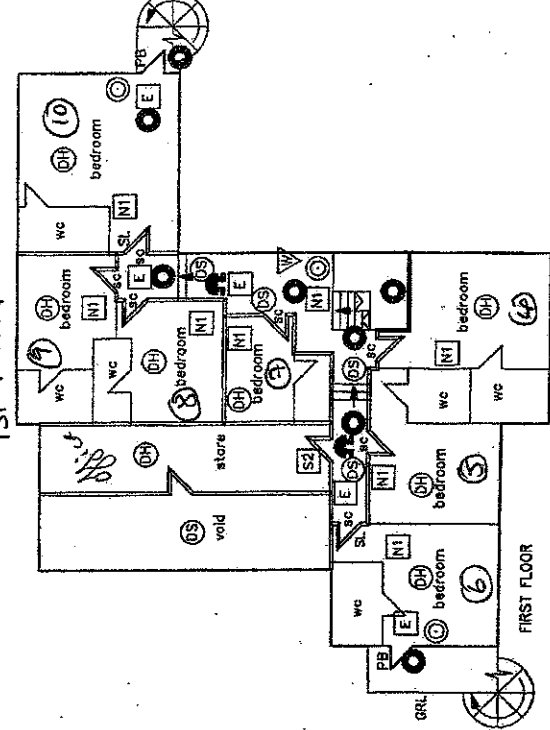
PB = Doors fitted with push bars

Scale 10mm = 1metre

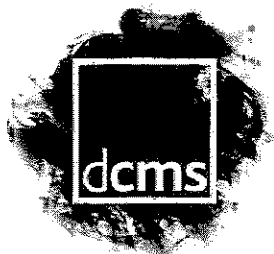
Ground Floor



1st Floor



FIRST FLOOR



department for
culture, media
and sport

Guidance issued under section 182 of the Licensing Act 2003

Issued by
The Secretary of State for
Culture, Media and Sport

28 June 2007

This document represents the Guidance and is issued by the Secretary of State for Culture, Media and Sport. The Guidance has been published on the DCMS website and on UK Online. Any local authority or other organisation is free to publish the Guidance on its own website or provide an appropriate link to either of these websites.

The Guidance has been prepared in consultation with other Government Departments, executive agencies and an Advisory Group comprising stakeholder representatives.

It will be kept under constant review in consultation with key stakeholder groups and will be amended or supplemented as necessary at any time.

Foreword

By the Secretary of State for Culture, Media and Sport

When this Guidance was first published in July 2004, we were on the brink of the introduction of a wholly new and exciting approach to licensing. The purpose of the regime was about to be given much needed clarity by four statutory objectives becoming paramount when any relevant matters were considered. The objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Thanks to the exceptional efforts of many officers and councillors in local authorities, the Licensing Act 2003 came into force on 24 November 2005 and it immediately began to give local people a bigger voice in licensing decisions and to help local authorities' broader efforts to create safer and more civilised evening and night-time economies.

It also began to add impetus to our aims of providing a better system of regulation for business, greater choice for consumers and where possible, help for areas in need of economic regeneration.

We were criticised by some for our conviction that these major changes would have a positive impact on and support our wider strategy for tackling crime and disorder, under-age drinking, public nuisance and anti-social behaviour.

We now have a clearer picture of how the Act is working in practice and I am greatly encouraged by the very positive feedback we are receiving from licensing authorities, local residents, the police and the licensed trade.

There is evidence that licensees have made good progress towards taking seriously their responsibilities under the Act and are actively working with the police and each other to eliminate sales of alcohol to underage drinkers and to combat alcohol related crime and disorder.

There is widespread evidence of good and effective partnership working. In many areas, local authorities have set up licensing forums that bring together residents, licensees, responsible authorities such as the police and others to discuss and try to resolve licensing issues. Enforcement has also benefited from this partnership approach with improved targeting of problem premises and better co-ordination and cooperation to clamp down on the irresponsible minority of retailers. The new closure and review powers are working.

Local people are starting to show a much greater understanding of their rights to make objections and seek reviews and are becoming more aware of and engaged in the licensing process. Representations from residents have resulted in new conditions being placed on thousands of licences and often this has been achieved through mediation without the need to go to a formal hearing.

We will continue to monitor and evaluate the impact of the 2003 Act on the prevention of crime and disorder and the other licensing objectives. The Licensing Act in isolation cannot provide a remedy to many of the ills of society associated with alcohol misuse. It must be part of a broader strategy to achieve better management of the night-time economy and a better balance between the rights and responsibilities of everyone living and working in each community.

We realise too that we are at the beginning of a long road towards the cultural change that must eventually underpin the modernisation of the law.

While this revised version of the Guidance is my advice to licensing authorities, it is the product of partnership between central Government and a wide range of stakeholders including, local authorities, the police, industry, the voluntary sector, the club movement, musicians and other performers, representatives of the community and a wider public consultation. I am grateful to all those who have participated and look forward to further work together to promote the four licensing objectives.

I am confident that this revised version of the Guidance will encourage the spread of best practice and help to ensure even greater consistency of approach across licensing authorities.

We will, of course, continue to monitor the impact of the Act on the licensing objectives and if necessary, consider the introduction of further legislation with the consent of Parliament to strengthen or alter any provisions.

Tessa Jowell

Tessa Jowell MP
Secretary of State for Culture, Media and Sport

1. Introduction

THE LICENSING ACT 2003

- 1.1 The 2003 Act, the associated explanatory notes and any statutory instruments made under its provisions may be viewed on the OPSI website www.opsi.gov.uk. All statutory instruments may also be viewed on the DCMS website www.culture.gov.uk. The main statutory instruments are:
- The Licensing Act 2003 (Transitional provisions) Order 2005
 - The Licensing Act 2003 (Personal licences) Regulations 2005
 - The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005
 - The Licensing Act 2003 (Licensing authority's register) (other information) Regulations 2005
 - The Licensing Act 2003 (Hearings) Regulations 2005
 - The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005
 - The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005
 - The Licensing Act 2003 (Transitional conversions fees) Order 2005
 - The Licensing Act 2003 (Fees) (Amendment) Regulations 2005

LICENSING OBJECTIVES AND AIMS

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken:

The licensing objectives

- The prevention of crime and disorder.
 - Public safety.
 - The prevention of public nuisance.
 - The protection of children from harm.
- 1.3 Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.
- 1.4 But the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;
 - the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet customers' expectations;
 - greater choice for consumers, including tourists, about where, when and how they spend their leisure time;
 - the encouragement of more family friendly premises where younger children can be free to go with the family;
 - the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities; and
 - the regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring.

THE GUIDANCE.

- 1.5 Section 182 of the Licensing Act 2003 ("the 2003 Act") provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act.

Purpose

- 1.6 The Guidance is provided for licensing authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.
- 1.7 The police remain key enforcers of licensing law. The Guidance has no binding effect on police officers who, within the terms of their force orders and the law, remain operationally independent. However, the Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

Section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent.

However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and as long as licensing authorities have properly understood the Guidance they may depart from it if they have reason to do so as long as they are able to provide full reasons.

Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

- 1.8 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on the authorities under human rights legislation). The Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the Act is a matter for the courts. Licensing authorities and others using the Guidance must take their own professional and legal advice about its implementation.